

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

APRIL 12, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 12th day of April 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Dave Boeck
Jim Gasaway
Diana Hartley
Tom Knotts
Curtis McCarty
Roberta Pailes
Andy Sherrer

MEMBERS ABSENT

Cynthia Gordon
Chris Lewis

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Doug Koscinski, Manager, Current Planning
Division
Ken Danner, Subdivision Development
Manager
Roné Tromble, Recording Secretary
Jane Hudson, Planner II
Wayne Stenis, Planner II
Leah Messner, Asst. City Attorney
Rick Hoffstatter, GIS Analyst
Terry Floyd, Development Coordinator

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Item No. 2, being:

CONSENT DOCKET

Chairman Sherrer announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:

APPROVAL OF THE MARCH 8, 2012 REGULAR SESSION MINUTES

Item No. 4, being:

COS-1112-5 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY PAMELA AND CHRISTOPHER ZABAWA (HALE & BUCKLEY SURVEY CO.) FOR ZABAWA WILDERNESS, GENERALLY LOCATED NORTH OF ROCK CREEK ROAD AND EAST OF 108TH AVENUE N.E. AT THE END OF TRACY DRIVE.

Item No. 5, being:

FP-1112-18 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY TECUMSEH PROJECT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR THE TECUMSEH PROJECT, GENERALLY LOCATED SOUTH OF TECUMSEH ROAD AT ASTOR DRIVE.

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Chairman Sherrer asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked if anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

Jim Gasaway moved to place approval of Item Nos. 3 through 5 on the Consent Docket and approve by one unanimous vote. Curtis McCarty seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Diana Hartley, Tom Knotts, Curtis McCarty, Roberta Pailes
NAYES	None
RECUSED	Andy Sherrer
ABSENT	Cynthia Gordon, Chris Lewis

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 5 on the Consent Docket and approve by one unanimous vote, passed by a vote of 6-0-1.

Item No. 3, being:

APPROVAL OF THE MARCH 8, 2012 REGULAR SESSION MINUTES

This item was approved as submitted on the Consent Docket by a vote of 6-0-1.

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Item No. 4, being:

COS-1112-5 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY PAMELA AND CHRISTOPHER ZABAWA (HALE & BUCKLEY SURVEY CO.) FOR ZABAWA WILDERNESS, GENERALLY LOCATED NORTH OF ROCK CREEK ROAD AND EAST OF 108TH AVENUE N.E. AT THE END OF TRACY DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report

The Norman Rural Certificate of Survey for ZABAWA WILDERNESS was approved on the Consent Docket by a vote of 6-0-1.

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Item No. 5, being:

FP-1112-18 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY TECUMSEH PROJECT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR THE TECUMSEH PROJECT, GENERALLY LOCATED SOUTH OF TECUMSEH ROAD AT ASTOR DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Report
4. Final Site Development Plan
5. Preliminary Plat

The Final Plat for THE TECUMSEH PROJECT was approved on the Consent Docket by a vote of 6-0-1.

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Item No. 6, being:

O-1112-31 – ROCK CREEK YOUTH CAMP, INC. REQUESTS SPECIAL USE FOR A RECREATIONAL CAMP FOR PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, LOCATED AT 4606 E. ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Plat of the Survey
4. Letter from Sean Rieger
5. Description of Property

PRESENTATION BY STAFF:

1. Ms. Hudson reported that the application is for a Special Use for a Recreational Camp for Rock Creek Youth Camp. The camp has been in existence since 1958, and they are requesting to add an additional cabin on the site, and that has kicked in the need to get a Special Use for the A-2 zoning. It is located at the southwest corner of 48th Avenue N.E. and Rock Creek Road. There is a single-family home across Rock Creek Road to the north. On site they have a water tank, an open meeting area, basketball courts, a pool, and cabins. There is a home on the site which staff believes is for the camp caretaker. They will be adding an additional cabin on the men's side of the site. There are minimal changes proposed to the site, and staff does not believe there will be any impact on adjacent neighbors. Staff supports the request for Special Use.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, representing the applicant – This is a 16' by 20' cabin on an 80-acre site for a facility that has been in existence since 1958. This request just makes the use legal by obtaining a Special Use Permit.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Jim Gasaway moved to recommend approval of Ordinance No. O-1112-31 to the City Council. Roberta Pailes seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Diana Hartley, Tom Knotts, Curtis McCarty, Roberta Pailes, Andy Sherrer
NAYES	None
ABSENT	Cynthia Gordon, Chris Lewis

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-31 to the City Council passed by a vote of 7-0.

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Item No. 7, being:

GID-1112-69 – HAROLD NAEGELI REQUESTS AMENDMENT TO THE APPROVED SITE PLAN SO AS TO ALLOW A SEASONAL SNOW CONE STAND TO BE LOCATED AT 10808 E. ALAMEDA STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Restroom Letter
4. Site Plan
5. Plat
6. Photos

PRESENTATION BY STAFF:

1. Ms. Hudson reported that this application is for an amendment to the site development plan at the southeast corner of 108th Avenue N.E. and Alameda Drive at Denver Corner. The property to the north is vacant. There is a single-family home on the west side. The applicant provided a photo of the structure that he would like to use for his snow cone stand; the applicant has been notified that the lights shown on that structure will have to be shielded or replaced with something that would be appropriate under the adopted lighting ordinance. The applicant had originally wanted to locate on the west side of the existing buildings, but that area is not platted. Staff has no objection to the snow cone stand in this location. As with all temporary snow cone stands, the applicant will have to move the structure after the 180-day period, and he can replace it next summer if he would like to.

PRESENTATION BY THE APPLICANT:

1. Harold Naegeli, the applicant, was present but did not make any comments.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Diana Hartley moved to recommend approval of the site plan amendment for GID-1112-69 to the City Council. Roberta Pailles seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Diana Hartley, Tom Knotts, Curtis McCarty, Roberta Pailles, Andy Sherrer
NAYES	None
ABSENT	Cynthia Gordon, Chris Lewis

Ms. Tromble announced that the motion to recommend approval of GID-1112-69 to the City Council passed by a vote of 7-0.

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Item No. 8, being:

CONSIDERATION OF A REQUEST SUBMITTED BY WAL-MART REAL ESTATE BUSINESS TRUST AND S&S FAMILY PROPERTIES, L.L.C. FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD.

8A. ORDINANCE NO. O-1112-25 – WAL-MART REAL ESTATE BUSINESS TRUST REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR 5.1258 ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Site Plan

8B. PP-1112-11 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY S & S FAMILY PROPERTIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR S & S FAMILY PROPERTIES ADDITION, GENERALLY LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan
6. Request for Waiver of the Driveway Spacing Requirement

PRESENTATION BY STAFF:

1. Ms. Hudson reported that this is an application for rezoning from A-2 to C-2. The other three corners at that intersection are currently zoned C-1. Only a portion of the entire site will be final platted for this project. On the north side of the development are multi-family units. Across the street to the south is a vacant lot and then Fitness One. On the southwest corner is FirstBank. There is a Seven-11 directly to the west. The area is proposed to be a grocery store with a gas station at the corner. Staff is not opposed to this application and it is in line with the NORMAN 2025 Land Use Plan which designates the area as commercial. We received one letter from the property owner to the north, who expressed concern about noise, trash, etc. There were no filed protests.

2. Ms. Pailes asked if there is potential for light intrusion to the residential area to the north from this development. Ms. Hudson responded that they would have to meet the adopted lighting ordinance.

PRESENTATION BY THE APPLICANT:

1. Tom McCaleb, engineer for the applicant – No light intrusion will be allowed to the north. They met today with the writer of the letter and have their concerns worked out; she is here tonight to attest to that. Prior to the Rock Creek overpass, the south property line of this tract was straight. There is a new wetlands area on the east side of the tract that the City has built with grants. The property owner now has marketable property. When all the swapping was done for the Rock Creek overpass, the commercial at the corner was a part of the agreements. We have addressed all of the issues with the neighbors, both to the north and surrounding.

2. Mr. Gasaway asked the anticipated traffic flow for the property. Mr. McCaleb responded that it will probably come from the north. The delivery trucks will come in from the north, down to Rock Creek Road, entering the site from the south to the north side of the property and then exit onto 36th Avenue N.W. There will be about one delivery truck per day at about 6:00 a.m. Customers for the store will come from all directions. Mr. Gasaway asked the

anticipated car count. Mr. McCaleb indicated that number is in the TIA, but he cannot remember the number. The traffic engineers are satisfied and it falls within the plan.

3. Mr. Sherrer asked about the fence between the applicant and the residential use to the north. Mr. McCaleb stated those concerns have been mitigated.

AUDIENCE PARTICIPATION:

1. Karen Canavan, Executive Director for the Norman Housing Authority – We own the property just to the north of the subject site. I did submit a letter with some concerns regarding compost that they plan on having, deliveries, trash, noise. We had a discussion regarding fencing. The agreement is that it's going to start out a 6' fence at 36th Avenue and it will taper up to 8' directly behind the northwest corner of the building itself and it will run 8' for the full duration along our border to help eliminate the lighting and the noise and the trash. The other concerns – we've resolved those. And the fencing – I think that is going to take care of our problem, which is the lights coming in and out and things of that sort.

2. Mr. McCarty asked what type of fencing was agreed upon. Ms. Canavan said they currently have a wrought iron fence around their property but it's not going to eliminate light or hold blowing trash. What it is going to be is 1x6" cedar with a cap trim with galvanized posts.

3. Harold Heiple, 218 East Eufaula, attorney for S & S Family Properties – I really didn't have anything to say, other than to answer questions. Mr. Schmidt, who signed up to speak, is an attorney for the couple that owns property over on the service road to the north. He was here earlier; I don't know if he's coming back. The only thing I would add is something that's not in your staff report. This particular tract was zoned C-2 as a result of a very intense, complicated negotiation and contract three years ago when the right-of-way for the new Rock Creek Road and the bridge was obtained, when the provision was made for that City and State trail and garden that you see there on the east of the property, and for the acquisition of a strip of property out on the service road that my clients did not own. The City had to pay an ungodly amount of money in condemnation for that, and my clients, as a part of the contract, took much less money, took title to that strip of property so that, conceivably, they could have access from the bridge to the easement that they retained so that they could access the service road from this particular piece of property. One of the things, of course, the conditions expressly in the contract that was approved by the Council was that the entire tract would be colored red on the commercial plan, anticipating intense commercial use. As a matter of fact, I did come to the Planning Commission about that time and talked about a mixed use application, and was summarily turned down simply because we did not have, at that time – we had no idea who the tenants would be. And just as today we have no idea who the other tenants or buyers will be for the property east of here, but I will tell you that these people have done an awful lot for the community and they've waited a long time without any money and now they're about to get a good contract with what will be only the second supermarket on the west side of I-35, and I know that because I signed the lease for the first one in 1981 that was Wright's IGA and, with all the growth we've had on the west side of Norman, there hasn't been another large supermarket or, as I would point out, another very large sales tax generator that will benefit the City. So we would certainly request that you approve this and recommend approval to the Council. Thank you.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck said he would like to support Harold Heiple's comments. I have been a supporter of aging in place and making Norman an age-friendly community, and not having a grocery store on the west side, or only having one, and knowing people that live over there – you know, most people are going to drive, but by bringing this development to this corner – there's a new senior housing project going in across the street, and I had a map developed to show where senior housing areas are and where commercial districts are, and most of our senior

housing areas are well outside the half mile radius for walking. The rule of thumb is if it's a half mile away you'll walk to it; if it's more than that you'll drive to it. So building a grocery store and some other commercial stuff at this corner will help, I think, to actually improve the health of people that live on that side of town because they'll be able to walk for the first time in a while. There's quite a bit of development over there and quite a bit of development coming. The idea of getting some mixed use in that part of town I hope occurs, because that's what we really need in this town – is not just single-use zoning. That's my only comment.

Jim Gasaway moved to recommend approval of Ordinance No. O-1112-25 and the Preliminary Plat for S & S FAMILY PROPERTIES ADDITION to the City Council. Curtis McCarty seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Diana Hartley, Tom Knotts, Curtis McCarty, Roberta Pailes, Andy Sherrer
NAYES	None
ABSENT	Cynthia Gordon, Chris Lewis

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-25 and the Preliminary Plat for S & S FAMILY PROPERTIES ADDITION to the City Council passed by a vote of 7-0.

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Item No. 9, being:

RESOLUTION NO. R-1112-118 – ELSEY PARTNERS REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-5) FROM LOW DENSITY RESIDENTIAL DESIGNATION AND HIGH DENSITY RESIDENTIAL DESIGNATION TO SPECIAL PLANNING AREA 9, TO ALLOW VERY HIGH-DENSITY HOUSING, ON ALL OF BLOCK 3, STATE UNIVERSITY ADDITION.

ITEMS SUBMITTED FOR THE RECORD:

1. NORMAN 2025 Land Use Map
2. Staff Report
3. Exhibit A – Applicant's Proposal
4. Exhibit B – Draft Prepared by Staff

PRESENTATION BY STAFF:

1. Mr. Koscinski reported we don't do very many special planning areas; they've been incorporated in both the 2020 and 2025 Plans. Some of the ones in 2020 have dropped off as they got implemented, and some new ones were created. This is probably one of first times you've seen someone ask you, outside of that plan process, to create such a district. This is the area just west of the tracks, the entire block from McCullough down to Boyd and between Monnett and the tracks. The applicant owns or controls more than half of that block and they are ready to bring forward a zoning application for what I would classify as a very high-density residential apartment complex. We really don't have a zoning district in Norman that would readily accommodate that. They can't ask for RM-10, or whatever that number might be. We have no such district. Our RM-6 district, which is the most prevalent multi-family district that we utilize, typically tops out at around 40 units to the acre. This is a request that would greatly exceed that, and so we've tried to identify, through a special planning area, some of the criteria we think this applicant and subsequent applicants would have to address in order to implement a true high density residential environment. Today you could do it as a planned unit development – that's our catch-all. We would throw that at anybody that said they wanted to do anything special. It doesn't really quite fit that, but that's the best approach we have today. All special planning areas, including this one in front of you, should it get adopted, are implemented by the PUD process. It allows the applicant to create specific rules and regulations and parameters for the development to occur. If the Council chooses to agree with those, that becomes the regulatory basis for that PUD. You could do some special uses – we've got some mixed use buildings under our current ordinance that could also be used to get close to some of this. But this one is almost a unique location and the density is high enough to warrant special consideration in this case. The problem that we've had is that the University is a wonderful university and it continues to grow. So as the students come, the market is responding by trying to provide housing for these students. The little garage apartments are wonderful for some people, but they don't accommodate thousands of new students that keep showing up here every fall. As you know, most of them have located in more suburban locations near other residential uses that are much lower in density. Imhoff Road is the best example. So far I think there are at least two out there and a third or fourth being discussed periodically. This applicant, like some others that we have heard from recently, are trying to get closer to the campus to try to make that a destination that they can cooperate with. They want to emphasize a pedestrian environment. You could literally walk to class from here – you wouldn't need your car. This company provides adequate parking, but not in the ratios that Norman typically sees in most of our suburban apartment complexes. Their application for rezoning was not quite ready. They are ready to move forward with that, but this is kind of a half-step. They would like to create this area, have a discussion, get the City Council to buy into this concept, and then follow that up with an actual zoning application in a month or two, whenever they're fully ready to develop their process. They're here to make their own independent presentation to you. As you can see, we've got a mixture of low-density and high-density residential in this block already and it's right across the street from OU and probably should be in some sort of a high-density residential designation. The applicant provided Exhibit A as their original proposal; we have fleshed that out and added a few more criteria. Ours is a bit more detailed. We've tried to identify some

parameters under this special planning area that they, or any other applicant, would have to meet. This would be a high-density residential district -- approximately 100 units to the acre -- that's more than three times what we typically see in most of our current suburban apartment complexes. Private open spaces would be limited in a pedestrian-framed environment like this; there's no opportunity in that entire block to have a two-acre park or large setbacks that would allow volleyball courts and things like that. There will be amenities -- there need to be amenities -- but they probably will more focus on the public environment -- the façade along Boyd Street, what they do with the sidewalks, how they relate to the street. Those are some of the kind of things you'll see that are different in this sort of complex than you do in more suburban locations where we start talking about park-like settings with very few scattered buildings. These are going to be large, intense buildings. We've outlined six stories as an upper limit. That's about 75 feet in height, give or take -- that's a tall building. Most of the buildings that OU is building along Boyd and Jenkins are about that same height, so that will give you a frame of reference for what we're talking about. They would be compatible in height and size to those. We would allow, in this case, just as we did in the Mixed Use District, reduced building setbacks -- we want those buildings to come to the street. We want them to have a pedestrian relationship, but with the streetscape. As part of that, we would emphasize high-quality design; we would like pedestrian amenities. We would like the building to have some articulation, like a porch, a balcony, awnings, things that might impose a human scale to something that is otherwise a very tall building. In summary, Norman's ordinances do reflect a suburban bias -- that's what we are. We've been a suburban community for decades. We're now starting to reach the critical mass; we're approaching 120,000 people. We are a small city in our own right at this point -- we've got at least four nibbles, including this one, for people that are interested in high density developments somewhere near the campus, because that's the main draw in this part of town. So this is not the only one that we will see in the future, and I think we need to try to get in front of that in one sense. We need to have an open discussion about design, its impact on neighbors, and how to implement those designs and what sort of design parameters. The 2025 Plan hints at some of that redevelopment stuff; we try to give emphasis in the plan to the infill development, and yet there's very little in the Plan that addresses how to do that. One of the key questions we keep coming back to is how much density is truly enough? I have personal feelings, as I'm sure every one of you does. But the community has made no such statement. We don't have a zoning ordinance that says 40 units is good -- 50 units to the acre is bad -- or 60 -- or 100 -- or 150. You can get very high density with good design if you know what you're doing. Six stories is about where they end up, because you change construction types when you go above that. So, for the foreseeable future, that's probably where Norman will see the height of buildings -- somewhere in the six story range. Typically what happens is you'll have a fireproof construction on the first one or two floors -- typically steel/concrete buildings; above that it goes to what they call a Type 5 construction that's protected, but it's not full concrete buildings.

Staff is in the awkward position, at this point, of not being able to make that recommendation to you. We've tried to study it. We've had only about a month or so to talk about this, and so we've come up with some parameters for a special planning area. Those may be acceptable to the Commission and, if so, please recommend that they move forward to the City Council. I'm not comfortable with making that recommendation to you. I think we, as a community, and the Commission needs to be involved in a bigger discussion about the topic of density and where it's appropriate. So that's, I'm afraid, our non-recommendation at this point.

We did get some protests from people. I think it's a 17% protest, if I remember the figures correctly. The one unusual thing in here, and something you'll probably see more of, is a condominium project -- 401 Lofts -- where the units are sold individually. Three of those individuals protested this rezoning; the whole building did not. So we assigned a percentage of land. Our protest maps are based on area, not on number of people. So that's where the 17% came from. One of the properties that is inside the special planning area also protested inclusion in that area. That is not a significant protest within the area, but somebody from within the area sent us a letter.

2. Mr. McCarty – This is a very unique project. As a special planning area, how do we do that when they don't have full control over all of the properties inside the special planning area?

3. Mr. Koscinski – Special planning area is simply a policy directive. There's no ordinance. There's no zoning that's imposed with that. You would still have the ability to react to a specific zoning request. Again, all special planning areas are implemented by the PUD process, so they'll be bringing you a PUD that says I'm going to be building a brick building that is six stories that does this and has these setbacks, and you will be able to react to that. Hopefully this draft that we've outlined for you would at least be the framework for how they would frame their response.

4. Mr. McCarty – I guess more what I'm looking at is the people that are inside of this proposed special planning area that may not agree with this. Does that affect their property rights or their property?

5. Mr. Koscinski – No. It's a policy.

6. Mr. McCarty – So it's all or nothing. If it's a special planning area and this is listed, it would have to agree with everybody in the property.

7. Mr. Koscinski – We felt that it would be more appropriate for that entire block to become a special planning area. If, in fact, we wish high density to occur in this part of Norman near campus, I think it's appropriate for that whole block to be considered in that fashion. Because if a six story building goes up, I guarantee the remainder of those properties in that block will be sold in a matter of years at the most and another project will come along. And rather than go through this process twice, we felt it was prudent to just do it once and outline what it is you think the community ought to expect or see there.

8. Ms. Connors – I just wanted to add that, if this becomes a special planning area, in order for the project to move forward, all the property owners would have to agree to the next application of a rezoning. This can happen with 51% of control, but the next step cannot.

9. Mr. McCarty – The City has some type of form or something that says they have 51% control right now?

10. Mr. Koscinski – Yes. They have deeds or contracts for more than half of that block.

11. Mr. Knotts – This is a mega project on a small area and, although I'm kind of excited about the possibilities in that area and that people are looking at that. However, I think the idea of having that small a study area is very short-sighted. To me, in looking at the Campus Corner TIF area that has performed pretty well, I think, and there's a homogeneity through all of that from Campus Corner over to the BNSF Railroad. Maybe that would be a more appropriate study area, to get a better vision for the area. There's nothing so constant as change. And things will happen and it seems to me that this is a pretty short, small focus that could preclude some excellent planning, I think.

12. Mr. Koscinski – I don't know that I disagree with you, but at this juncture to go step back and try to re-do a much larger plan area – we really weren't ready to move that way. We think it's appropriate to take a hard look right there at Boyd Street, but whether that district should go all the way to Duffy or all the way downtown, for that matter, is a much bigger question.

13. Mr. Knotts – I believe the area warrants that big a question, and I didn't really expect you to say that you were ready to go. All the facts that you laid out earlier about increasing

enrollment and all of that and the need for private housing I think are all true. The problem is that I think the special planning district is just way limited, and if we went forward with this, I think it would kind of disrupt the whole opportunity that we would have as a City to do some excellent planning.

14. Ms. Pailles – Can we clarify exactly what it is that we're going to be voting on? Are we voting to accept a special planning area 9 with the general provisions as outlined on page 9-3? Is that going to be the topic of the vote?

15. Mr. Koscinski – I would hope that you would endorse the special planning area provisions that staff created on page 9-5. But you're entitled to make whatever recommendation you wish. If you simply want to go with the shorter version that was prepared by the applicant, that's obviously your choice.

16. Ms. Pailles – Does the public have this information also, out of curiosity, since there's obviously a lot of ...

17. Mr. Koscinski – We did not mail that information out to very many people. No. It's been available since we printed the agenda. That's one of the reasons for our reluctance to move forward with it. It has not been widely disseminated.

18. Ms. Connors – Our agenda is on the website, so it is available to the public. That's the usual method of allowing the public to see our staff reports.

19. Mr. McCarty – In the City's draft for the special planning area, parking is not really defined – the requirements. Is it one per bedroom? I saw that in their report, but what was staff's thoughts on parking?

20. Mr. Koscinski – Our current ordinance requires 1.8 per unit. It doesn't matter how big or small it is. That's been in our ordinance, literally, from the 60s and 70s. That expected, if you want to go back historically, developers would build apartment complexes that had a range of uses. And 1.8 more or less meets that requirement for a range of uses. If you are simply designing – for lack of a better term – all efficiency apartments – one bedrooms or less – you probably don't need 1.8 per unit. You would be over-providing parking, which, in a true urbanist principle, you really don't want to have acres and acres of surplus parking. You want to have enough, but you want to push people into giving up their cars and perhaps living without them, taking the bus, walking to school. You want to limit the parking to a certain extent. I think we're still a suburban community, so we need to address parking, but I think something less than 1.8 for smaller units is an appropriate number. What that number is, I don't have it in front of you tonight. And a PUD allows you that little bit of flexibility, if that's a critical element.

21. Ms. Connors – I was just going to add it's through the PUD process, rather than the special planning area – the zoning and the Planned Unit Development zoning would allow us to control the number of parking spaces that we wanted to assign to this, rather than in the comprehensive plan.

22. Mr. Boeck – That sort of dialogue happens – to agree upon some kind of a program as to how the PUD would work?

23. Ms. Connors – That's really where the design detail should take place.

24. Ms. Hartley – Doug, you said that there are several other projects, somewhat similar in nature to this, that could come forward in the next few months?

25. Mr. Koscinski – Similar. Some closer than others. Some very nebulous, to be honest with you.
26. Ms. Hartley – In the same general area? Around campus?
27. Mr. Koscinski – Yes.
28. Ms. Hartley – So how does this help us, as a Planning Commission, deal with those that are coming down the line?
29. Mr. Koscinski – One of them is much smaller, so these parameters would be easily met by the smaller project. But we have two others that we've heard of that are substantial projects that are similar in scope. So this would help you outline – if the next guy comes in and says I need 150 units, you say, no, we had that discussion. 100 is where we want to be, as an example.
30. Chairman Sherrer – Just to be clear on this, because it's kind of a confusing item. I guess the recommendation that I'm understanding from staff – and you may both want to clarify this – is that there is no recommendation on this, with the thought that this idea of high density type designation, or just in general, that particular topic should be in some way addressed, probably by Council, and whoever Council designates.
31. Mr. Koscinski – We're reluctant to give you full guidance and say this is the only way that we'll ever go and these are the numbers. We've outlined some stuff because that's our responsibility. If you wish to vote on that or discuss that, we're here to do that with you. If you're not ready, and we are not, then we would suggest that you postpone this and hopefully study it over the next week – month – two months – whatever it takes. I don't want to predict your timeframe.

PRESENTATION BY THE APPLICANT:

1. Chris Elsey, 2052 Hunting Avenue, Manhattan, Kansas – I've got a fairly lengthy slideshow, and hopefully I can buzz through that in short order here. Really, what we're trying to do is we're trying to have a discussion on density – we feel like high density is a good thing. Density is a good thing, as long as it's in the right place. I applaud Doug and the Planning staff. They kind of came up with some parameters here to set about on how we envision high density. And if you go through the sheet here, we'll get into some of those – but those points 1 through 8 – that is effectively defining the box on what we're dealing with. I think it's important to understand that special planning district that we're proposing – the idea behind that is we're trying to determine if the City of Norman wants to embrace the idea of density in more of an urban form, or if you want to continue with more of a suburban development pattern, which has currently been displayed in the City. Just briefly about us – we're a vertically integrated student housing company. We design, build, and manage our own properties. We don't build stuff and leave. We feel like it's a good model, so we try to stick around. We try to be good neighbors. The reason we're attracted to doing high-density infill is it has been successful for us in Manhattan. We just got two projects approved in Stillwater. We went through a similar process there. They rewrote some zoning there to create a new high-rise district, and that was in response to two projects that we did there that are kind of similar in scope. So we're going to be starting on 450 beds in Stillwater starting in June. This is just kind of the tip of the iceberg on the discussion on density; this is going to be a lengthy process. I think we realize that. We're trying to get feedback and kind of figure out where's the line and where everything is at. Again, the advantages of high density – it's essentially you're trying to get people out of the cars and where they can walk places. The advantages of walking are you're reducing urban sprawl, you're reducing vehicular problems, parking issues. It's just a more sustainable – it's smart growth. It's preserving the greenbelt around the community. It's easier on the infrastructure, because you're not having to bring new infrastructure out to the suburbs – you can use the

existing infrastructure that's there. Again, the question we're trying to address here is is this the right location for high density? And it's there in red, north of Boyd from Monnett to the railroad tracks and south of McCullough. There's going to be quite a few slides here and we're just going to try to walk around the area to kind of give you a context for what we're talking about. So I'm going to try to go pretty quickly through this. But basically, the south side of Boyd Street is where the University has developed and we would propose that the north side needs to catch up with the south side. So on the south side you have buildings that are higher mass, and on the north side with the 401 Lofts project that has begun, but we would propose that we continue doing that down the Boyd corridor. This is just from the other angle, from the north. This is from the railroad tracks looking back to the west. We're coming down – if you see that gray box there, that's the type of scale we're looking at. This is an urban apartment complex in Oklahoma City and it has been imposed on the site. This is to give you an idea of the scale of the project. Basically we're walking around the south side of the property. This is kind of from the corner – we're coming down. Here it is again. This is from Boyd and Trout. The original development that we had proposed, we would place a – basically it's called a Texas donut, so the parking structure is wrapped by the building and you enter into the parking structure underneath the building and then the building wraps the parking structure. Here's from the Energy Center. This is looking back toward the railroad tracks down Boyd. Here's just on the street level. Again, we're trying to push the building up to the street to create a more pedestrian environment. Here, again, is the Boyd campus corridor. Here's some of the other structures. Here's the art museum. So again, this is all the south side that we're encouraging the north side to catch up with the south side. I just want to give you kind of a brief – I don't know if any of you had a chance to drive around and look at the existing properties there. This is just from the south side – here's some images of what is currently there. And then this would be from McCullough. This would be from Monnett. And then this, again, this is just walking around the building just to give you kind of a frame of reference. So, again, we're not – I think as Commissioner Boeck said, the details and the architectural articulation and character of the building – that's all going to be discussed when we go through the PUD process. What we're trying to discuss now is is this scale of development appropriate for this area. We want to get that answered – I mean that is the main issue we're trying to address. We need to know that. Is the density of this character and scale – is this appropriate for this area or not? It helps us save time. It helps the staff save time. That's really the key issue we're trying to deal with here. So we're walking around the building again. Here's some existing projects – the 401 Lofts – similar scale. Now these are infill projects. This is in Provo, Utah around BYU. This is a similar area. It had single-family homes and they basically up-zoned it and put these projects in it. This is up in Stillwater. This is an existing project that is built there and our two projects are mimicking this one. This is the project in Oklahoma City. Here's another one. Here's the different – one through eight. We'll kind of quickly go through these. We would agree with pretty much all of them, except for number one. I would recommend on density that we focus more on population density, rather than unit density. The issue with doing density on a units per acre is that you can have 100 four-bedroom units and that means you have 400 beds there, or you can have 100 one-bedroom units and you can have 100 beds there. So, obviously, you've got a difference of 400 people living there or potentially 100 people living there. So we would propose, basically, you split the difference and you go with a straight 250 bedrooms per acre. So you're actually dealing with density is the amount of people that are living there, not the amount of units that are there, because a unit can either be one, two, three, or four bedrooms. Here's the 10% open space. These are courtyard – inward oriented structures. So they would have a pool and recreation that would be focused on the inside – inside that interior courtyard. Here's just some imagery of that. The 75 feet or the six stories – the Stillwater Flats is actually at 72 feet – that's too the peak of the roof. So if you go with more of a traditional gable style roof you're going to get to that 75 foot, but if you go with a traditional flatter roof, you can get that six stories under that 75 feet. So that's just something for your consideration as well. The parking – I would propose one space per bedroom and then I would propose all structured parking. I think in urban environments there is nothing worse than seeing surface parking lots. The setbacks – just trying to get the building up

to the street. I would concur with what staff has recommended there. And then the design – having articulation with windows, porches, awnings – I'm just trying to show you some examples of that. But, again, all these design details – that would be worked out in the PUD process and there's lots of flexibility in that. The public space – obviously you can do a lot with the landscaping between the street and the building. The issues with infrastructure – there's always lots of concerns about infrastructure. I'm not an engineer. We've had a traffic impact analysis done with a proposal that we already had. They had actually proposed a traffic light at the corner of Trout and our intersection into the parking garage. All of this is going to be kind of in flux. Essentially, the infrastructure – we have to meet the different infrastructure requirements and if the engineers tell us we can't do it, then we can't build it that dense. So the infrastructure sustains – determines what the density that we're going to have there. That's a discussion for a later date. If it's not sustained by the current sewer system, or whatever, then it's going to have to go from four stories to three stories. So, again, I would encourage you – we're just trying to determine – get everything else out of the way – this is a discussion on density and we're trying to determine is this the right place for density. We feel like it is because, simply, the residents that live here can walk to the major employer, which would be the University, and then a major entertainment destination, which would be Campus Corner. I think if you look at Campus Corner, we were just there having dinner at Chipotle – I think that's a really dynamic area and if you look at that all the buildings are right up to the lot line and there's people walking around, and the reason it's successful is because there's 3,000 people across the street that can use it. Density is a good thing if it's in the right spot. I would welcome any questions you guys have for us. We'd like to be in on the discussion of hopefully trying to create something really dynamic here in Norman. I think if you visit a lot of other college towns, they've embraced this kind of higher density urban stuff and I think there's a real opportunity for some really neat things here in Norman.

2. Mr. Boeck – Not any comments directly to him right now. I know we're going to have lots of comments from the audience and I've got comments to make, but I'd like to hear other comments first.

3. Mr. McCarty – How many of these projects have you all done around campuses or in your company?

Mr. Elsey – We have developed 450 beds in Manhattan, Kansas. But as far as with a structured parking garage, we're starting our first two in Stillwater this June. So we've gone through the entitlement process. Those have been approved, and we're just starting these first two. So the timeframe on this – this obviously is going to be at least a year discussion, I would anticipate, here. So nothing is going to happen here until 2013-2014, I would anticipate.

Mr. McCarty – So all the pictures you showed, were any of those projects yours?

Mr. Elsey – No, they are not. No.

4. Ms. Pailles – Were the projects you did in Kansas developed at this density?

Mr. Elsey – No, they were not. No.

Ms. Pailles – How come?

Mr. Elsey – The city staff there basically outlawed putting in parking structures, so they wanted surface parking lots. So that's – essentially the highest density you can go is if you've got – you can essentially go 3-4 stories, and then you have to put a surface parking lot, and that's what you get. So basically what drives up density is a structured parking garage.

Ms. Pailles – And once it's built, do you manage them?

Mr. Elsey – We do, yeah.

Ms. Pailes – Your corporation continues as the management corporation.

Mr. Elsey – We feel like it's a great model. They're really successful. If you tour – we went from here down to New Orleans to do a service project down there in the 9th Ward and we stopped at pretty much every major university along the way. Pretty much every one of them has – they're going this direction with this higher density structured parking.

5. Mr. Knotts – You mentioned a 450-bed unit in Stillwater?

Mr. Elsey – That's correct.

Mr. Knotts – And on what acreage?

Mr. Elsey – One is – we have 100 – so there's two projects there. There's 164 beds on 0.87 acres, so that's at about 140 – I believe it's 140 units per acres. And then we have 313 beds on about an acre and a quarter and that's at about 154 units per acres. So what the folks in Stillwater did is they went with 150 units per acre for this new high-rise district that they developed.

Mr. Knotts – And the earlier discussion has been talking about 75 feet – six stories. What you showed was four.

Mr. Elsey – Yeah. Is how we like to do our stuff is we like to keep it all wood framed, so Type 5 construction and is what we do is we do – it's four stories with a garden level. So the lower level is actually kind of subterranean, so if this was the grade plane here the window would be here and this – it's almost kind of like a half basement. So we have five living levels.

Mr. Knotts – So it would flood?

Mr. Elsey – Will it flood? Hopefully not, no.

Mr. Knotts – Retention area.

Mr. Elsey – Our current projects that we have now – they're all under the 75 foot. I mean, they would all fit.

6. Mr. McCarty – Just to give us a scale, do you know how tall the Lofts 401 project is?

Mr. Elsey – I do not, but I would anticipate it would be close to that 75 feet.

Mr. McCarty – It's four-story, I believe.

Mr. Elsey – It's actually five stories. You've got one, two, three, four – so you've got four living levels and then you've got one floor that is – it's a podium, so it's essentially five stories. So, I mean – as far as the scale – I mean if you look at the 401 Lofts project, that's what we're talking about. It's essentially going to be of this scale. The parking, instead of being underneath of it, it's going to be on the interior and the building is going to wrap around it. So, I mean – we're essentially asking can we do the 401 Lofts on the other side of the railroad tracks? That's what we want to do.

7. Ms. Pailes – I can understand the 75 feet height is appropriate looking across Boyd to the south. But looking north, isn't that totally overwhelming in terms of all the residential areas to your north?

Mr. Elsey – Well, I would agree with you with that, but I guess my argument would be is that that area is predominantly – it's predominantly rental homes, for one. And then when all that was developed back in the turn of the – around 1900s, the University was smaller. It probably had maybe 3,000 students at it. You know, not even that. But today we've got 30,000 students and the question is shall we move forward with our development, or should we go backwards with it? Do we want to continue on with a suburban development? I mean, you're right. We can't make a five-story building look like a one-story craftsman house. You can't do it. So that's what we're here and we're asking you. You guys determine that this area – do you want density here? If you don't want density here, then, you know, we can't do it here and we'll pack our bags and try to go do it somewhere else. But we can't – I mean, we can't make a five-story building look like a one-story craftsman house. We can take some articulation off of it. We can take rhythms from it, but there's no way you can make a five-story building look like a – I mean, the massing of it – we just can't do it.

8. Chairman Sherrer – Just one question from me. Obviously you've understood and heard the staff recommendation. I assume you heard that earlier this week or last week. I think that it's becoming kind of apparent that, from a high density standpoint, in this community, we're trying to figure that out. Some of the questions that you just asked kind of in your response there. What are your thoughts about – is there a delay? I've heard you kind of say we want to make sure you figure this out. What are your thoughts in regard to ...

Mr. Elsey – Well, I would just encourage you – I would encourage – we would really appreciate getting this in front of the City Council and getting their thoughts on it. I think that's a discussion that needs to happen. And we've got to figure that – these issues in here – these eight issues – I mean that basically defines the box for urban high density. Our only stipulation would be – you know, I think it's important to – just the difference with the units. I mean with density, if you say 100 units per acre, I could put 100 four-bedroom apartments and have 400 people living there. I could put 100 one-bedroom apartments and I'd have 100 people living there. So that's not controlling the density. So I would just encourage you to – that would be something that would need to be discussed further on with the City Council getting more toward a population density, as opposed to just a unit density. But I would encourage you guys to get this in front of the City Council, get some feedback from them, and we can move forward with that. I mean this is – again, this is just the first – we're just looking at it. We're trying to determine is this the right place for density? That's all we're trying to do. Then we'll come back to you guys again with all the drawings – everything – and we can work through the nitty gritty on making – engineering it and making it work. But, from a conceptual point, we need to get you guys to go either, yes, we want density here or, no, we don't want density here. I mean that would be – we'd like your frank, honest – sooner than later would be great. Yes or no – we want density here.

9. Mr. Boeck – I need to make a comment. I just have to. I've talked to Chris a couple of times about this project and, you know, he asked for support. I'll be up front. I'll say I support density, because I think Norman, again, going back to aging in place – people want to live in the core of Norman where they can walk to the grocery store, where they can walk to the convenience store, the doctor's office, the bank -- and the core of Norman is where we can do that. But we don't have the densities to do that. But the other side of the coin is he was showing pictures of campus, which has five-story buildings and looking at what the City is recommending here for high-density development, you've got – they talk about a ten-foot sidewalk with a building there, but Campus Corner has got two-story buildings with a wide sidewalk that allows for seating and mixed use and things like that. And on campus you have a big planting bed with lots of landscaping and a wide sidewalk and then another planting bed and then five and

six stories. And so – and Curtis and I were talking about the new dorm mixed-use building that's being done on the corner of Jenkins and Lindsey. They've got a lot of leeway with a parking lot and setback from the street, because when you look at high densities – first of all, you have to look at the use. Is it going to be all housing? Is it going to be mixed use? And so in my mind there needs to be a lot more discussion, even about these eight points here of what we're trying to do with high density. That's not going to happen tonight and it's not – whether it goes on to the City Council or not, it needs to be dealt with because, like Doug was saying, there's other people that want to do larger projects – higher density projects in this area because the demand is there. So that's my only comment.

RECESS
7:45 to 7:55 p.m.

AUDIENCE PARTICIPATION:

1. Joseph Bogan, 401 E. Boyd Street, Unit 401 – My wife, Jane, and I are retired. We moved back to Norman. We purchased a condominium in the Loft 401 project. I have pretty good, big feet – I have size 13. If somebody came along and said here's this great pair of size 16 shoes, I wouldn't buy it. And the point is this project, in my view, is just too big for that particular area. Talking about density – it creates a lot more congestion. We located where we did in part so we could walk to Campus Corner and enjoy the amenities, and certainly people ought to be allowed to do that, but I do think that a project of this size and scope would detract from the overall aesthetics of the area – the Campus Corner has a lot of charm and I think this might detract from it. So I am concerned about it and I do oppose it, of course, as a result. Mr. Elsey made some comments about Loft 401 and I would like to take issue with some of those. Now my developer told me – we do live on the top level – that the level of our terrace was 52 feet. So if you add another story – 65 feet. Also the photograph of Loft 401 that was shown was focused on the largest part of the building. If you see the whole project, it is much more less dense in scope with the north building having two living levels and it fits the area, I think, a lot better than this particular other project would. So I think that a project of perhaps half the scope that is being proposed would be appropriate. Certainly I agree that development of that area is particularly important, but I just don't think this particular project is appropriate. Thank you very much. I appreciate the opportunity to speak to you.

2. Matt Sallusti, 401 E. Boyd Street, Suite 300 – My wife and I are graduates of the OU College of Law and my wife undergrad as well. We also have a condominium unit at Loft 401 and our unit is number 300. I would echo what Mr. Bogan said. I agree with his comments. The only thing I would add, specifically, is we have 36 units at Loft 401, compared to 300+ which is being proposed here today. I think it's not a fair comparison to actually try to rely on what was built at Loft 401 East Boyd Street to what they're proposing today. I think traffic is a major issue that really needs to be considered. Anybody who lives in Norman knows that Boyd and Classen is one of the busiest intersections – if not the busiest intersection – whether there's a game or not – in Norman and this is just going to add to it. Because, as we all know, college students have cars. They're proposing one car per bedroom. I just don't think this is a workable solution. With that, I'd just add that this is Norman, Oklahoma and not Stillwater, so I don't know if we need any comparisons to that.

3. John Edwards, 810 Monnett – I have lived at 810 Monnett for 35 years or so. And, Mr. Easley, the street is Monnett. Monet was a painter; Monnett was a professor at the University. Monnett Street is a very unique street, in that it's a quiet residential area within walking distance not only to the campus, but also downtown. We have walked Legacy Trail many times down to the downtown area. The Plan 2025, which we've relied on for a long time – or the 2020 before 2025 – calls for this to remain a residential area. One of the reasons that there aren't large apartment buildings, and what have you, on the street is because the City Council has said repeatedly this is R-3 – it's a residential area. You can build little garage apartments. You can

build three- or four-unit apartments. But you can't go up. You can't increase the density. We just had an apartment building – Monnett Place – built on the north end there of Monnett and Duffy. That's going to dump a lot of cars out onto Monnett, which they're either going to go north to Duffy, but most of them are going to go south toward the University and empty out onto Boyd. Currently, there's not a light there at Boyd and there will be increased accidents, I'm sure. Again, we've relied on the Planning Commission and the 2020 Plan – the 2025 Plan – to make improvements in our house over the years. In the 35 years we've been there we have spent probably over \$100,000 improving the property, adding to it, and improving the infrastructure. We are about to complete a \$30,000 improvement to the property. I would say if you're going to approve this density in that area, you might just as well close Monnett at Boyd and close it at Duffy and just make it all apartments, because that's what is going to happen. The University has not come north of Boyd. It has been an agreement, pretty much, between the City and the University that they would not move north of Boyd. The residential is going south. There's a lot of land down south of Imhoff in that area to build new apartment complexes if they want to tie in with the University. They have shuttle service so students can get to campus without having to drive cars. Again, I agree with what they said about game days – on game days you can't move in that area now. You add another 200 or 300 cars to the mix and it's going to be gridlock. Thank you.

4. Cheryl Clayton, 503 Tulsa Street – I, too, oppose this extreme high density. I don't think there's anyone in our area of town who wouldn't like to see that section of Boyd improved, but we would like to have it something made better, not made worse. I put my objections in writing. I don't know if you all got an opportunity to see that, so I'm not going to repeat what I've put in writing. I do want to say this, that in addition to being troubled by this extreme high density, I am troubled by the procedure that has been used in this 2025 Plan amendment. A notice went out to adjoining property owners and then it was published in the paper. After that came out, I took a copy of it and went down to City Hall and asked for a copy of what the 2025 Plan amendment would be because the notice in the paper said there's going to be an amendment and you can object to it. There wasn't anything. There wasn't anything in writing. Maybe I shouldn't have been surprised about that, but I truly was surprised about that. You know, you can see there are very many people out here in the public who are interested in this area of town and I think that if the City is going to send a notice out and say comment on this, that it is not unreasonable to expect there to be something in writing at that period in time and not developed after the fact. And the first time I heard anything about any specific plans was tonight at the council meeting, and I think at the very least the City could have put in the notice here's our website – check for periodic updates or we're going to develop the plan and you can check on it at some point in time and find it. And I really just don't think it's fair to the public to handle it that way. So I would appreciate you giving that some consideration.

5. Ben Southerland, 820 Monnett – I'll reiterate what others have said. This is just too much in such an area. It's just too ambitious. If high density is what your goal is, then you can talk in terms of 900 units per acre. I mean, that becomes absurd after a point. On the north end of Monnett Street on the east side, there is an apartment complex – a pretty new complex which I believe is less than 20 units and it's two-story and it is appropriate for the neighborhood. And I would use that as a precedent for that entire area. Thank you.

6. James Shelton, 914 Monnett – I live at 914 Monnett, which is essentially right on the corner of Boyd and Monnett, and then I own a house at 903 McCullough, which is in the district that's wanting to be rezoned. This house has been in my family for almost 100 years. I've lived in the area throughout college and through my semi-retirement years. The traffic on Monnett – cars park along Monnett. It's student parking. You can hardly get two cars down Monnett with cars parked on Monnett. In fact, I represent Nancy Blake, my neighbor who lives across the street, and David O'Connor who owns some property. We're landscaping. We're trying to improve Monnett. You don't want to know the amount of money I've put into restoring the house. Drive

by and take a look. But if you look at her house across the street, the dump trucks and garbage trucks have no room to turn other than to drive over the landscaping and sprinkler systems that are put in. I've taken it to the City Council. I've taken it as far as we could. We're referred back to the garbage company and, of course, they're not returning phone calls. So I guarantee tonight I'll have it fixed. Thank you.

7. Ty Hardiman, 630 Miller Avenue – I just want to say that I live in the Larsh Miller neighborhood, as identified on the plan. I was also a member of the Core Area Coalition, for those of you that remember that, and a member of the Norman Future Committee when we went through the process to update the Norman 2020 Plan to the 2025 Plan. I'm going to read a couple of things from the 2025 Plan. Under Goal 3 in Housing and Neighborhoods, it states that we should "Proactively manage the preservation, revitalization and maintenance of existing urban neighborhoods." What's before you tonight is not proactive; it is extremely reactive. Proactive would be to bring the community together and let the citizens of this neighborhood and the surrounding neighborhoods and the citizens of this community decide what is best for high density development in the future of the core area. What we have instead is some builders who are coming in and deciding what they think the future of this neighborhood should look like and then trying to implement their plan on top of us, and I just think that's completely irresponsible and it is absolutely not consistent with the concept of making a master plan and adhering to it. Under the same Goal 3, the policy number 9 states that we should "Encourage housing designed for university student occupancy in areas suitable for high intensity uses." Is this area appropriate for high intensity use? Well, apparently not, because it was not reflected that way the last time we updated the Norman 2020 Plan to the 2025 Plan. There may be places on Campus Corner and the Larsh neighborhood that are suitable for these neighborhoods, but that should be determined, again, by the citizens of this community coming together and not on a parcel-by-parcel basis of a builder who wants to come in and build something somewhere in this community. I'd like to talk a little bit about special planning areas and the concept of bringing a special planning area request before the City. To quote from the 2025 Plan, "Within the Land Use Plan Map, several areas are identified that exhibit characteristics requiring special consideration." You want to know a place that is not listed as requiring special consideration? This parcel of land. That's why it's not already a special planning area. It would have been brought up in the last review of the Norman 2025 Plan changes. At the time of this meeting, had the City come and said we're considering putting special planning area along Monnett and we're considering for extremely high density, then we would have had that debate at that time and we would have seen what came out of it. But that did not happen. The special planning area should be identified by the citizens of the community, not brought, again, by builders. Now, this isn't the first time – I know this is the first time you guys have had this before you tonight, but this isn't the first time the citizens of this neighborhood have dealt with this. Because we've been to two Pre-Development meetings trying to head this off. The fact of the matter is that what we have here is a set of builders who are trying to do an end run around the Pre-Development and rezoning process and they're trying to put something in place that shouldn't be in the neighborhood – that's not permitted in the City's stuff already and should be really dealt with on a community-wide level and not individually, again. In the implementation plan, I'll just quote this from the Norman 2025 Implementation Plan – "Controls on Demolition of Buildings – A second direction for plan implementation is to strengthen controls on the demolition of buildings in . . . core area neighborhoods. In recent years, a common concern in Norman is that the edges of neighborhoods are constantly 'eroding' through the demolition of residential structures and their replacement . . . with surface parking lots . . . commercial or institutional buildings." I cannot think of a better example in Norman where this is occurring right now than on the very block that we're talking about this evening. So I think we need to make a statement to Council and make a statement to the developers. Thank you.

8. Rainey Powell, 1926 Pin Oak Circle – I represent Campus Corner. We have some properties on the corner. I would like to mention that the properties that are currently in

consideration here are somewhat distressed and, generally, we think that having the intense housing is probably very good for business. One thing I would like to point out for consideration – if there is a bed, there needs to be a parking spot. So the parking needs to be considered in that regard. Thank you very much.

9. Jayne Crumpley, 423 Elm Avenue – I couldn't say better other than what Ty Hardiman said. I live in the core area. We live in deadly fear, because we're R-3, that someone will come and purchase several homes that are rentals – we are owner-occupied and rental pretty much evenly spaced between Boyd and Symmes – somebody will come in because we're R-3, tear down the houses, and build an apartment complex. I don't think any of us really object to infill, perhaps some more intense development, but something of this mass and scale just ruins any character in that neighborhood and you can't get character back. Buildings of this size, if it was on the other side, pretty much would be even with half the buildings that OU has. It probably wouldn't stand out. Except if you look at the buildings that we're looking at right now, look at the green space. Look at the right-of-way between the street and the sidewalk. Nice green spaces. I don't understand the concept that we should build to the sidewalk because it's more pedestrian friendly. You can't get any friendlier than that look right there. I mean, I also thought that we had a lot of concerns about covering property from stem to stern. They are covering an entire block. Run-off will be incredible. There's no way to get the water percolated back into the ground. As Ty said, and others have said, I really resent people from out of our area coming in and deciding that this is what we should have and what we want, because it's my understanding, from talking to Manhattan, Kansas that they would not allow something that looks like this in their neighborhood, and I applaud them for that. Thank you.

10. Brett Bowers, 520 E. Boyd Street – I've been to the pre-planning development meetings also. Tonight we keep talking about high density. But also at those they talked about new urbanism. And I happened to go to the Mayor's Roundtable last week. Mr. Boeck made a very nice presentation. Mr. McKown was also there. New urbanism is very different than what we're seeing with this. Rainey brought up a good point. I think new urbanism would be great for the Campus Corner area and things like that, which is your shops and things on the first floor and maybe some living space up above. I haven't heard anything about new urbanism tonight, but at the two pre-planning development meetings that's a lot of what we heard about. So I think we may be changing direction here to try to – somebody used the term end run a while ago, and I think the same thing might be used. I want to talk about a couple of other things. As Mr. Hardiman spoke a while ago and talked about certain things with documents and plans that have been put here in the City, but I also want to talk about the code of Norman and for planned unit developments in Section 420 – "Specifically, the purposes of this section are to encourage . . . more efficient and economic use of land resulting in smaller networks of utilities and streets, thereby lowering costs." Well, right now what you've got with this is you've got a lot heavier use on utilities for something like this, and we've already talked about the streets and McCullough and Monnett and Boyd Street. With that also being said, I want to look at some things that have been mentioned at the pre-planning development meeting and then also tonight. I want to make sure that you pay strict attention to these numbers that I'm going to give you and some of the facts that are written into the code of Norman. When it talks about this – and we've talked about around 200 units. As at the pre-planning development meeting we talked about 220 units, but they're also talking 300 beds – so it's not 220 units – it's 300 beds unless the plan has changed since then. So we're talking about 1.35-1.4 acres is what we're looking here. So your 220 units at 1.39 acres, but you're talking 300 beds at that same space. What the City says: "Eligible properties" in a PUD "must normally be two acres or larger in size." This is 31% smaller than two acres. So the code itself states that it must be normally two acres in size. "Slightly smaller parcels may be eligible . . ." 31%, at least the math I learned at OU, is not – that's not small. Also: "Parking and off-street loading. All . . . established within a Planned Unit Development shall comply with the off-street parking and loading requirements as established in Sections 431.5 and 431.7." Again, it was mentioned tonight. That's 1.8. The code of Norman

says "shall" – shall does not mean you get an option. I know Mr. Koscinski had stated at one of the pre-planning development meetings – and I think I heard Ms. Connors state earlier tonight well the City can work with that and do that. Only if you change the code can you do that, because shall means you must do that. Also, if you look: "Common open space constitutes an essential ingredient in a Planned Unit Development and is one of the most basic and important design elements." That's written into the code of Norman. Here's three things I want to point out, and he did address green areas a while ago. "A minimum of ten to fifteen percent of the gross acres of any residential Planned Unit Development" – again I'm going to use the word – "shall be designated as common open space." Again, you don't get a choice unless you change the code. "No more than one-half of the common open space may be covered by water." So I know this has a pool that they're looking at, so that's something that you all would need to look at. And, also, "A minimum of ten percent of the gross area of the non-residential components of any Planned Unit Developments shall be designated as landscaped open space, not to be used for streets or parking." So you have to look at that. We're talking about parking in a high-rise. You've got limits on this and I'd just encourage you all to look very strongly at these facts that are written into the code of Norman. Thank you.

11. Steve Davis, 539 Shawnee Street – I've heard a lot of talk tonight about high density, and I think one of the things that we're missing is that, initially, when we were talking about this it was very high density. It's not high density – it's very high density. That's my concern. I think that when you talk about the number of units that we're placing in this area, what it does to the traffic, that east/west corridor there for Boyd Street – very crowded any time of the day. Sunday morning when I drive to church, I look down Monnett and there are people parked all the way down there 9:00 on Sunday mornings. So you have a single lane passageway through there. So it's already crowded. It's already got too many cars in too tight a space. I think there are some real issues there. And no one has even mentioned the trains and what happens whenever that takes place in that area. So there's a lot of things there that I think that we have to think about. I say that not this project, not at this place, and not at this time.

12. Cindee Pichot, 636 Okmulgee Street – Make no mistake – this project will affect my property values, my historical neighborhood, and I am against it. I cannot emphasize that the Manhattan project that they said earlier was voted down by Manhattan; they said no to the Elsey brothers on the development there. Just because they got it in Stillwater doesn't mean it's good for us. I have had the privilege and the honor of living in a house that was built by Roscoe Cates – Senator Lee Cates walked the halls of my home, and that's a wonderful thing that happened there. So, too, are most of these homes in this neighborhood. They might be dilapidated at this point in time, but they have special character. One other thing that I want to mention is that the 2025 Plan did not anticipate this very extreme high density use. It was never contemplated by the plan nor the citizens of Norman. Therefore I think that you should vote this down. The Elsey brothers are simply trying to cram more people into a very, very short space for their profit and, obviously, that's what they're trying to do. The greenbelt is a big issue. There's no greenbelt other than that proposed that's already there by use of the railroad track, and that railroad track creates extreme traffic problems for those of us that live in that neighborhood. The other part of my comments is about a PUD. A PUD, according to the code – and it's my understanding that they're going to try to change this – is that "It is the intent of" the PUD "section to encourage developments with a superior built environment". I challenge each one of you to look at the projects that have been built by the Elsey brothers and see if they're superior built environments. And the purpose of the PUD is to bring about a "unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas". That's our property. That's all these property owners in here. I ask that you folks do that and take a good, hard look at this. Not this project. They want an answer and I say this is their answer.

13. Sheena Murphy, 535 E. Boyd Street – I brought my cheat sheet here with me. I've submitted a letter to you and so I'm not going to repeat anything that I said in that letter. I just want to make a few points now. First of all, in regards to the agenda on the website – I checked as of Tuesday and I couldn't find the agenda. I called about it and whoever answered the phone said sometimes she has a problem, she has to post it in two different places and she was busy at the time and couldn't do it. So I will point that out to you as maybe you want to check up on that procedural issue. You've already heard about 401 Lofts not being a good reference because it's a much smaller development in terms of the number of units there. I'd also like to point out that Elsey points out that they are a vertically integrated company, and that's all well and good. But they're growing extremely rapidly. And so they've got a couple of hundred units in Kansas. They've got many more than in Stillwater. So this would be another big project that they're undertaking. So if their finances don't play out and they have to get rid of things, we're left holding the bag on what is left in Norman. So we should make a decision here independent of who is going to be managing this property in the future. We've been told that the north side of Boyd has to catch up with the south side of Boyd. And I'll point out that we're looking at some of that property right there developed by the University, and that setback there is easily 15 feet. You can't do that on the other side because the parcel that they're talking about is too small, so you're going to have a really tall building, but a narrow building because you'd have these big setbacks. And that is part of the problem here is that we're looking at something that is just too small a parcel for a special area designation. It would be the smallest special area designation in Norman by a factor of 3. New urbanism is a great idea, but this isn't new urbanism. New urbanism calls for human scale and common areas. And I resent the fact that we're being taken as we're not looking to the future because we're not embracing this new urbanism. It's not allowed in Manhattan, Kansas and with good reason. I'm from outside Manhattan – Manhattan, New York, that is. And so I grew up in an urban environment, but I grew up in a four-story building that my parents owned, so I'm not opposed to rental properties by any means. We had lots of green space and we had neighborhoods or stores that we could walk to. And I agree with those members of the council who think that we can do that here in Norman. But this is not the way to do this. So I say no to Special Area 9. It sets a horrible precedent for what we do with the future development of the core of Norman. Thank you.

14. Jill Edy, 1117 Classen Boulevard – One of the things I'd really like for you guys to think about as you consider these kind of higher density issues closer to campus is both who you're going to invite in and who you're going to push out. In other words, much of the discussion tonight has been about bringing students closer to campus and having them be closer to campus. And I want to point out that part of the charm of the neighborhoods that exist there now is that OU faculty and staff live next door to students. I live next door to a law school student and I live next door to a herd of undergraduates – I'm not quite sure what they major in. But it's part of the charm of the neighborhood that we all live together, that we all kind of figure out ways to get along in our different age groups and so on. I don't really anticipate that I'm going to see any more members of OU faculty and staff move into my neighborhood if they know that 500 feet away is a building that's got 400 undergraduates in it. So, for me, an important part of the character of the neighborhood and those neighborhoods that surround campus is that it's not all students. It's not high density student housing – buildings that were designed to serve the needs of students – buildings that were designed essentially to serve the undergraduate population at OU. A part of the charm of those neighborhoods, and a part of why they're a really important part of Norman's culture is that people from the University community – not just the undergraduates – not just the students – the University community all live in these neighborhoods together. And for me that's something that's very important to preserve. Thank you.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – Listening to the comments of our constituents, I was impressed at the conciseness that everybody had. I, again, want to say that I am for higher densities in Norman.

They asked me to read a book called The Triumph of the City, which I ordered off of Amazon, got a used copy for \$3.95, and read it, and it's a really good book. It's a Harvard economics professor talking about why cities work. And one of the things they talk about is how expensive it is to live in cities where you restrict growth. And I know, from living here for 40 years, that the Campus Corner area is one of the most sought after areas to live in, and that's why we can maintain \$165-\$185 a square foot – west of campus, north of campus, east of campus. But one of the issues that we have here is that there's a lot of people that want to move back to Norman. What makes Norman an age-friendly community or an aging in place community is the fact that we have the University here, which has all kinds of assets. And I know lots of people that moved back here – never left here – I think one of our speakers went to school here, grew up here, has semi-retired here and there's a lot of people in Norman that are like that because Norman is such a great place. And what I'm getting to is I applaud what they're trying to do. I looked at what they did in Stillwater and the Stillwater neighborhood where they're building is totally different from what we're doing here or the area that we're in. And, quite frankly, I see it as an improvement up there, because it's really a four or five or six block area of run-down – a little bit of commercial, a lit bit of residential, not much of anything kind of deal, so it actually improves it. Curtis and I were talking. That street along Boyd is one of the most dilapidated streets we have in Norman. The house that Joe Hilton lived in 25 years ago has never had anyone living in it since he gave it back to the bank. And there's other properties along Boyd that are just barely kept up. I know a couple of them the roofs collapsed and they had to repair them – the landlords had to repair them so that people could actually continue living there. I do know that we have people that are homeowners in that neighborhood. But, to me, the idea of improving a neighborhood and improving a chance for people to live close to campus is going to require that we do some high density, but what we need to do from this meeting tonight is realize that we have to have a serious discussion among the citizens of the neighborhood, the citizens of Norman, the employees, the staff at the City of Norman, and all the commissions and figure out what it is that we want to do to maintain our ability to be a high-quality community to live in. So that leads me to say I can't support this project right now and even passing it along even as a special designation because it's extremely highly dense. We have to deal with all the issues of utilities, of parking, of what this means to other tracts of land in the neighborhood and between Campus Corner and downtown. I applaud the City for trying to put together a special use zoning conversation or list of things to do, but it's far from being perfect and it needs to be fleshed out before we ever deal with something like this.

2. Mr. Knotts – I would just reiterate what I opened this discussion with earlier with Doug that I'm not opposed to density. I haven't read this book, but I believe that we need to look at a larger area and plan for that with the citizens what they feel somewhat comfortable with. I'm not going to be able to support this program tonight.

3. Mr. Gasaway – I think there's several issues. Some of them we've talked about a little bit tonight, and some that we haven't. I think the issue of density is something, just as a general issue – not even on this particular spot – that is becoming a hot topic and I think that Council and the citizens need to address that general issue. But there's also the issue of where you do the density? I can think of very few places in Norman where something this dense would be appropriate or welcomed by residents of that area. Very few areas of town. And I think we have to come up with some parameters on that. But I think in this area in particular you have to look at the impact on the surrounding area. I'm not sure how tall the Financial Center in downtown Norman is – it's six stories tall. It may be a little over 70 feet tall. But I can think of how many times I've eaten up there and sat in the window and I can see in people's back yards for miles. And a good part of our dinner conversation was what was going on in some of those yards and businesses at that time. I think if you put something that's six stories tall in a residential neighborhood, you are not only impacting the people across the street or one block away, you're impacting people six blocks to a mile away because they have the ability to see into your back yard, and I don't think that's fair to the citizens – not only the close ones, but the ones that

are within viewing distance. I think the other issue is, in Norman we have spent years with an emphasis on preserving our existing neighborhoods. We have several commissions that work on that. We've had a lot of citizen input, and I think some of the residents mentioned there are some distressed houses in this area. I can think of very few areas in town where I wouldn't say there are some distressed houses, but there's also some beautifully kept homes that are owner-occupied. There are some nice kept homes there that are rental properties. I think right now Norman's emphasis is on preserving our neighborhoods, and I think it would be a terrible mistake to change that, at least without a significant amount of further discussion. So I would not be supporting this tonight.

4. Ms. Pailles – For kind of the general background – you all are probably familiar with this, but the density discussion has to do with density is a good thing because it fully utilizes expensive infrastructure. It fully utilizes your streets and your sewers. There does come a time, though, when you're sitting at Classen and Boyd and you sit through three stop lights before you can go through on a normal day that you think this area is full up. And, of course, there is a point where you have reached total density. Now, where that is, we have not yet decided, and even once we decide, that's going to be an ongoing discussion. But, at any rate, this is not the time for this development because those discussions have not been held. Nor is this the place. This neighborhood north of there is one of the locations in Norman that actually has a sense of place and that's very valuable. It's valuable economically. It's valuable to the people who live there. It's valuable in terms of the entire tone of the community. And you don't want to violate that sense of place. I also might say – and this is personal. This is not anybody else, probably. Norman is a prairie community. Prairie communities are notable for openness, horizon. They're not notable for being overwhelmed with tall Manhattan-like buildings. And so we kind of need to ponder our sense of place as we look for an efficient community. One of the other places that comes to mind where we have done this is downtown. We could have leveled the downtown areas – there were certainly many buildings there that had seen better days. We chose not to. We chose to embrace the territorial architecture and apply it to some of the new parts of town. And those are handsome parts of town – both the old and the new. So you do not necessarily want to tear down something that's shabby. Maybe you need to embrace that and build upon it.

5. Mr. McCarty – Well, this has been very healthy discussion, and I think it's a good start for the City to start thinking about high density development and what that means. I'm not sure this is the right place to do it. I'm not saying it is or it isn't, but I believe it's time for us – we reviewed a mixed unit development – a MUD – and had a new zoning ordinance for that that was done a couple of years ago. I think it may be time for us, as a City, to discuss high density development. It is what's going on around the country with urban sprawl. We're trying to control how cities are growing and where they're growing and where people are going to live. So I believe that – I'm not saying I'm supporting this, but what I am supporting is that we charge our staff and our City to start looking at a high density development plan so that we don't get into these scenarios where we have neighborhoods in uproars over a potential unplanned high density plan. We don't have any stipulations. We have no guidelines for anybody to do high density development. This isn't going to be the first project I'm sure we're going to hear about. We're going to have more in the future. Where they go – I don't know. Maybe it's other land where there's not houses. But there is a time where cities evolve and these things do take place. Again, this is something that we need to discuss and move forward with as a City. I'm in support for our City and our staff and our citizens to think about this. What it would look like. Where it would be. Where are these special planning areas, if we do them? And what are the limitations? How many beds? How many rooms? How many parking spots? What's the height? All the things that come along with high density. Is it required to have new urbanism ideas? Grocery in the bottom or food sources or shopping or what is it? With that said, I don't know where we go from here, but I think they have brought a very aggressive plan to us for what high density would look like. We don't have a site plan or anything. That would be very helpful for

me to see what the site plan is. What is the open space? Where is the parking? The things that usually are kind of the next step. For us to just sit back and say, no, it's not accepted, is hard for me when I don't know really what it looks like. I think the 401 Lofts project fits in well for where it was. There's many people that showed up, just like you all, when that zoning came through to tear down the building that was there that didn't want it torn down. Now there's many people – heard a couple speak tonight that love it, but they don't want something similar next to them. Well, we heard the same thing from the neighbors when that project was built. I guess what I'm getting at is that high density is going to come. How we control it from the City standpoint. What do we charge our staff to do? What do we charge the citizens to work with us in that aspect and create a plan for a high density ordinance or zoning overlay or special planning area – whatever it may be. So I don't know where that leaves us, but those are my thoughts.

6. Ms. Hartley – Well, I'm afraid if I don't say something, people will wonder what I was thinking. What I would like Roné to do is take what Ty Hardiman said, 'cause Ty said exactly what I would have said, and then, believe it or not, Tom Knotts even said some of what I would have said, which rarely happens. I do think we have to look at it on a much larger scale than just this project. I can't support this project, either, and look forward to continuing the discussion on how we can develop some higher density areas within our city.

7. Mr. Boeck – Speaking of Ty Hardiman – I've served on committees and commissions with him and I love him. He's a very thoughtful person, but thinking of the neighborhood that he lives in and my wife and I are getting ready to build a one-story house that we can grow old in – one of the things to me that's important about this conversation is he lives in the Miller neighborhood and I know a couple older people that live in that neighborhood that are tired of walking up and down two and three flights of stairs and taking care of their lawns, but there's no place for them to move in the core of Norman where they can walk around. Now, hearing two of the people that live at 401 – one being a retired couple and one being a young couple – that's the kind of stuff that we need to talk about in terms of how Norman develops, is how can we create housing that fits in the neighborhood, that works for different kinds of people, different age groups of people, that makes Norman a great place to settle and live. That's my only other comment.

8. Mr. Sherrer – I think there are three things that I usually find myself in favor of, and those are infill, revitalization of core areas, and then I think high density when appropriate and when it surrounds areas of potential retail development where sales tax dollars can be gained from that. I think I heard someone from Campus Corner speak earlier and I think they had some good points about having pedestrian areas and places where you can actually visit, students, providing opportunities to spend money that certainly provides a lot of the other things here in this town that we so vitally desire. Along with my fellow commissioners, I struggle with not knowing enough. I think until we actually come to a conclusion of what high density looks like and what it appears like within our community, it's going to be real hard for me to understand any particular project – not this one project specifically, but really any project in general. I think we're going to have to come to a conclusion of what that looks like for our community. The other thing that I would raise, that hasn't been mentioned, there were some references to the 2025 Plan. More and more I feel like it's appropriate that our community consider getting back together and looking at having a 2030, 2035 Plan – whatever is appropriate. I know it's been some time since we've looked at that, because we're talking about a district tonight that I think, from a community-wide perspective, it makes a whole lot of sense that we develop some sort of a plan. Again, when the 2025 Plan, and the 2020 Plan prior to that, were created, I know that made sense then, and probably much of it makes sense, if not all of it, makes sense now. But when these projects come forward, it makes me wonder what does the community really want? Where do we fit in that? I would encourage this commission and City staff and Council to consider where we are and what we want to do in that area. One last question. I want to

make sure I understand our options. We can have a motion to approve this, could have a motion to reject, or could have a motion that says no recommendation. Is that correct?

9. Ms. Connors – Mr. Chairman, I think you have an additional choice. So you would be approving the request by the applicant, or denying the request by the applicant, or postponing for any period of time, including indefinitely, or you could make no recommendation and send this on to City Council, perhaps with the request that there be this City-wide discussion of high density that you would like to be involved with or not.

10. Jimmy McWater, 818 Mockingbird Lane – Does this 50% control of the property within this area that they're asking for this change apply to whether or not you vote tonight – on anything? Because, as I understand it, they only have control of 10 lots out of 20, which is exactly 50%, not 51%. So if they do not have – if that's a requirement, then they don't. In square footage, they definitely don't, because two of the lots they have control – two of those ten are half lots.

11. Mr. Sherrer – My understanding is they do have the capacity to bring this forward. The City staff has reviewed that for this particular request. I think there has been some review that has actually taken place, and we appreciate your concern. We'll re-review. Certainly want to make sure. Obviously, our comments and motions go forward to the City Council and, at that point, we'll certainly have a better understanding.

Jim Gasaway moved to recommend rejection of Resolution No. R-1112-118 to the City Council. Dave Boeck seconded the motion.

12. Ms. Hartley – If we want to send a message to Council that we want this to be a discussion item – either a study session, if we start it that way with Planning Commission or the Council, is that a friendly amendment to this, or is that a separate vote? Because it's not an actual action item on the agenda. What are our options with that?

13. Ms. Connors – I think that can just be a recommendation from the Commission attached to your actual motion.

14. Chairman Sherrer – Commissioner Hartley, just to make sure I understood, are you requesting that we attach that recommendation to the Council? I want to make sure I restate this correctly – I would like you to restate exactly what you would like to have attached.

15. Ms. Hartley – I'm not sure what the appropriate process is, in terms of engaging the community and the Council and Planning Commission. I know that with other issues that we have looked at as a Planning Commission, we usually do it in study session format. Kind of look at some best practices, look at some other examples. We'll have Dave give us a very brief book review. And then talk about it that way, and then, from the study session, have some kind of a motion from Planning Commission then that goes on to Council. I'm not sure what the appropriate process or next step is.

16. Chairman Sherrer – We certainly have the four options for the types of motion. I think the question really becomes more about how to – other than the comments – what are we attaching?

17. Ms. Connors – So, if I might, I believe what you're doing is you have a motion on the floor to deny the request – a motion and a second – and what you're saying is, in addition, you would like City Council to take up the discussion of high density, where, how, and all the comments that were received this evening, and that the Planning Commission would like to be involved in that discussion.

18. Ms. Hartley – Correct.

19. Mr. Gasaway – And I might emphasize it's high density as a policy – not high density on this particular issue – for further discussion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Diana Hartley, Tom Knotts, Curtis McCarty, Roberta Pailles, Andy Sherrer
NAYES	None
ABSENT	Cynthia Gordon, Chris Lewis

Ms. Tromble announced that the motion to recommend rejection of Resolution No. R-1112-118 to the City Council passed by a vote of 7-0, with the additional recommendation that there be a discussion of high density development as a policy for Norman.

* * *

RECESS
8:53 to 9:04 p.m.

* * *

Item No. 10, being:

RESOLUTION NO. R-1112-119 – A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE GREENWAYS MASTER PLAN.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Resolution No. R-1112-119
3. City of Norman Greenways Master Plan (April 2012)
4. Greenways Master Plan Appendices (April 2012)

PRESENTATION BY STAFF:

1. Ms. Connors – I'm proud to present to you this evening this Greenways Master Plan. The City, in one form or another, has been working on this plan for at least four years, if not a little longer. The first draft of this plan was prepared as part of the Stormwater Master Plan by a consultant, Halff Associates. That plan was presented to City Council along with the Stormwater Master Plan, but never adopted. The Greenbelt Commission then took up the review of that document and appointed a subcommittee to review it. They worked for a very long time on looking at that document, and we decided to reformat the document that had been presented to City Council originally and then, after the subcommittee had reviewed it, the Greenbelt Commission reviewed it. That went back and forth for a while, and the reformatting, I think, was very important because there was a large section of the plan prepared by Halff Associates that identified specific locations for trails that were to be throughout the community along all the water courses and along all the drainage ways in Norman, and that actually, as it was presented first to City Council, got a lot of interest by the community, not all of it positive. The City is not really at the point where we can identify all the specific locations of trails for the City. So, as we reformatted this document, we prepared it more as a policy document. The majority of the text and maps from the Halff Associates document – much of that is kept, but the portion that I was talking about – the very specific recommendations – have been put in Appendix A of this plan. The main part of the plan that is before you this evening as the part that we wish you to forward to City Council as an adopting portion is a policy plan. It identifies a framework for a way that the City can move forward in the future as they choose to design trails and construct trails. And so we have three appendices. The first one, as I said, was the portion in the Halff Associates plan that was very specific with maps and dollar figures of how to put specific trails in specific locations. The second is the action plan that the Greenbelt Commission had identified for City Council when they were moving forward for adoption of the Stormwater Master Plan. And the third appendix is a summary of the public input that was gone through to identify those original recommendations from Halff Associates. So this plan has four sections, plus those three appendices. The first section talks about Norman, in general. It identifies the location, the population, the growth potential for Norman – just general background about the City. The second section is an introduction. It identifies why a plan for greenways is important to the City. It identifies the purpose of this master plan. It provides a methodology for how the information was collected and is now presented. It presents goals for identifying citywide opportunities for trails and greenways. It then speaks about each of the appendices and what they are, identifies some destinations and attractions throughout the City that would be good to connect through a trail system and a greenways system if the City chooses to move forward. Then there are guiding principles that were identified early in this process that are also included in that section. And then it moves into, in Section 3, guidelines and design standards. It identifies who might be the users of the greenways system. There are many national standards for trail types, and those are incorporated in here and modified to be more appropriate for what Norman might see as they identify trails and develop trails. There are also national standards that have been included for those different types of trails, what you should do if you're going to have pedestrian corridors along roadways – how those should be designed, what could be trailheads, how you might design a trailhead, what it looks like, what amenities should be provided along your trail system and at those trailheads, then again specifically there are

national standards for types of trail materials that are recommended for different types of trails – urban trails, more rural trails, those sorts of things. So there are different materials that you could incorporate. It identifies, not specific corridors, but potential types of corridors; specifically, it just generally identifies what a greenway is, how you might present a trail along a major creek or drainage corridor, and then the third type is your potential neighborhood and more urban type of trail system. That language is very general. The fourth section identifies the implementation strategies that can be used to develop, again, if the City chooses to move forward. It identifies who might be the implementers of the plan, including the City, school districts, business communities, community homeowners associations, all the citizens of Norman could help to implement this plan. There is also an implementation process that is generally identified, and that would include corridor acquisition – these are just the steps you would have to take to move through that – choosing preliminary items – feasibility of your locations. Then, obviously, funding needs to be identified, the design of the trails, and then the actual construction and permitting of that trail system. This section also talks about corridor acquisition and preservation – there's different ways to achieve the goal of identifying trails and actually achieving the construction of trails. It identifies incentives that might be used to preserve open space and, of course, importantly, how you might fund this system of trails and open space and greenways. Also, very importantly, what the maintenance requires once you have a system such as this in place – what maintenance would be required. And, again, I think I've spoken about the appendices. What the resolution speaks to is – what you would be doing is recommending adoption of the actual Greenways Master Plan and the Appendices – Appendix A, B, and C, which you got copies of, would be attached as information, because the City not only spent a lot of money to gather that information, but it's also very detailed, very important information that we gathered on our community and to not forward that as an informational piece along with this policy document I think would be not a wise thing for staff to recommend. So, again, these appendices are just moving forward as informational pieces so that the information is not lost. I would be happy to answer any questions.

2. Mr. McCarty – If we were to move forward with this, what does that mean to our existing community's citizens and future development? How does all this tie into this plan? What do they have to do? What's going to change tomorrow if this is adopted?

3. Ms. Connors – Nothing will change tomorrow if this is adopted. This is just really a starting point for the community to use to adopt other ordinances and regulations that would have to be put into place to move forward with any specific trail system that the City might want to move forward with. This, however, really provides the basis and groundwork and framework by which – and national standards and gives you background information so that you can move forward with better certainty of what you're going to achieve and how it would be achieved.

4. Mr. McCarty – So basically it is acceptance that the report was done. It will be used if people want to use it. They're not going to be forced to use it.

5. Ms. Connors – Well, certainly, the resolution as written recommends adoption of this document.

6. Mr. McCarty – So, basically, if a new development went in and there were trails planned in this document in that area – say 60th and Lindsey – anywhere where there's nothing now. Does that mean that the developer and the City would be required – and the owners in that development would be required to put in the trails and maintain the trails?

7. Ms. Connors – There is nothing in this document that requires anything. So, no. Because there isn't any other action that accompanies this document – we haven't identified a trail system yet. We're just saying here's the groundwork – here's the basis. As we move forward, this

is really good information that should be used as the policy by which the City moves forward with a trail system.

8. Mr. McCarty – The word policy gets me, because policy means it is something that is implemented and has to be done.

9. Ms. Connors – There's no regulation in here. It's like the comprehensive plan – there's no specific regulation, but it's a guide to move forward. And the comprehensive plan is an adopted document.

10. Mr. Boeck – That brings up the question – because this document right here shows primary and secondary trails.

11. Ms. Connors – That's the appendix. We're not recommending that that be adopted. We're only recommending that the plan itself be adopted, with the appendices moving forward as informational pieces so we don't lose that information.

COMMENTS FROM THE AUDIENCE:

1. Sean Rieger, 136 Thompson Drive, representing BASCO – We have several comments on this, and I want to talk through what our concerns are. We are very concerned about this in a number of ways. I understand and appreciate Susan's comments that this is not mandated policy. We tend to disagree. We tend to disagree because we have seen otherwise in the past from the City when they have put forth resolutions of policy. And I'll explain that to you in just a little bit with an example directly from city that was a resolution that adopted policy that changed something that we've all talked about many times. But, first, what I want to go through is to show you the actual verbiage. Susan took you through the table of contents, basically. But what you're being asked to do is to adopt a policy document from which ordinances will be developed. So you probably ought to figure out whether you agree with the policy first before we're going to say this is where we're going to start from. That's important. We disagree with a number of the policies in this 70 page document, and we think they're very important policies that ought to be talked about. So I want to take you through that wording. First, make no mistake, you're recommending the adoption of a policy. This is straight out of the resolution language that you're considering. This is the one-page document that the City Council would pass and there's only one basically forceful mandate paragraph and there's what it says – and I'll abbreviate a little bit – but the proposed City Council resolution puts forth “policies pertaining to the promotion, acquisition, maintenance and improvement of the green spaces, greenways and trail systems” . . . “opportunities for future trail systems that will preserve open space” . . . “That the Greenways Master Plan be adopted as a policy document and guide for the future development . . .” A policy document. You're going to adopt policy that will be the policy of this community in this document. So make no mistake that this is a very important document. So what's in it? What are the policies? Well, I'm going to show you just excerpts – these aren't my words – these are from the document. It does distinguish a number of trail types. Well, this is one of the minimal trail types – neighborhood trails. The recommended width is 6 to 10 feet – 8 foot preferred. Neighborhoods – all developments right now are mandated to have sidewalks on the right-of-way. Every time we do a development we have to, by regulation, put a sidewalk at the street. Right now they are generally 4 foot sidewalks and on arterials they are 5 foot sidewalks. This policy document says that those sidewalks and trails would become much, much bigger. In essence, this is one of the smallest ones, but they're recommending 8 feet. You're talking about twice the cost. And then, on arterials, this document gets into a number of different levels, but you can be as high as 12+ feet instead of 5 feet. There are tremendous cost implications to this. Huge. We need to think about, as a community, after we've gone through many months now – even, I would say, a year or more of hearing Council member candidates tell us that we're becoming too costly to develop in Norman – that we're becoming anti-business a bit in Norman. Do we want to put forth an

adopted policy now that will double, or more, the cost of sidewalks and land acquisition in Norman? Is that wise? Do you want to do that? Here's an example of a graphic inside the document. It shows a 10-12 foot travel lane. Right now we have 11-12 foot or 10 foot travel lanes. And this has an outside lane of 4 feet, basically a buffer of 6 feet, sidewalk/pedestrian corridor of 5 to 12 feet. Again, significant expansion beyond what is required right now. Tremendous cost implications to that. Page 28 – "Steps should be taken to require natural creek corridor areas be preserved . . ." "Drainage corridors . . . should be developed with access along at least one side of the creek for small drainage tributaries and along both sides for major creeks." You're going to adopt that as a policy of this community. How many times have we heard people come to this Commission and this Council here and say I don't want a sidewalk for the public in my back yard? You're going to adopt this policy. Many people have said they don't want that. As one builder said to me today, if the market wants us to do that, we will do it. But the market has not said they want to do that everywhere. This would be a policy document to adopt it everywhere. Page 29 – "Future neighborhood developments could highlight drainage channels and open space by making the greenways more accessible to the public." Again, we've heard many times that people don't want them accessible to the public. If they are, who is going to maintain them? Who is going to pay for that? We've often heard that our Public Works Department does not have the money to go into a trail system throughout the City to maintain it. Page 29 – Acquisition. It was gone over in the table of comments, but what are you going to adopt as a policy? Well, "preservation by virtue of the purchase of lands by the City of Norman should not be the only or even the most frequently used method of preservation." I want you to think about that very carefully as a policy of the City. The City of Norman should not be the only or even the most frequent used method of preservation. So how are we going to preserve it, then? Well, you're going to take it. It's going to be a taking. It says "All property owners, development entities, homebuyers", et cetera should be key in preserving these areas. Do you want to adopt a policy that puts forth a taking? Page 32 – ". . . outright acquisition is preferred. In these cases, the land can be donated by the property owner as part of the development process or can be purchased by the city, assuming funding is available." Do you really think the city is going to have funding available to buy all of these arteries and trail corridors? Of course not. The city is strained to every level of funding. So what's going to happen? The developer is going to be forced to donate it as part of their development process, and then cost will go up again on development in Norman. This is policy. Resolution says you're going to adopt it as policy. So, again, "Lands maybe be acquired by outright donation during the development process. To truly create significant greenway corridors in Norman, this must become the norm . . ." I didn't write this stuff. This is what's in the document you're being asked to adopt as policy of our community. Lands acquired by outright donation during the development process to become the norm. And we can go on and on. I'm going to read a few more. Page 33 – "Deed restrictions that permanently designate the acquisition as open space should be established." It's a taking. This could be a taking. We go on. ". . . corridors associated with either existing or new development can be partially or entirely built by the private development community." So the City has no money in this game. They're going to put it all on developers and builders. ". . . implementation of much of the greenways system requires the assistance, whether voluntary or mandatory by ordinance, of the development community in Norman." This is the policy you want to adopt. "Development of a 'greenway cost sharing ordinance' requiring developers to participate in the cost of greenways within their development is an ooption." But then this ends and explains what's the cost sharing – well a developer would pay 75% of the walkway and the City would pay for the balance – if they have money. Page 41 – "Voluntary and mandatory processes to work with private development . . ." I think an important sentence that's lost in this is we heard Ms. Connors say that coming from this will be more ordinances. But, actually, the page 42 of what you're being asked to adopt says "The adoption of this Plan will complete a very long process ..." So really this is kind of it. You're going to adopt this as the policy of all those paragraphs and sentences that make it a taking and force it onto development to do significantly broader and wider trails and sidewalks than we've ever done before, and it goes forward. I just want to close with one other thought. Is a

policy document adopted as a resolution really a forceful document? I'm just going to leave you with one example. You might remember that in 2001 and 2003 the City of Norman voters, at the ballot, elected to build a north side wastewater treatment plant. Well, that discussion has come up and circulated around and been talked about, and recently we had meetings with the City saying where is the north side plan. Let's talk about that. Well, we were told – and this is a memo from City staff – January 4, 2012 – from basically Anthony Francisco and I'll just read it: "By its action in resolution R-0708-92 the Council further delayed construction of a north side wastewater treatment plant by adopting a policy of . . ." et cetera, et cetera. Sound familiar? You're being asked to support a resolution adopting a policy. So Ms. Connors says it has no effect, but one of them we're told disrupted an entire vote of the people to build a north plant. So I disagree that a resolution adopted as policy has no meaning. We oppose this. We think there is significant problems with the language of it as a policy. We believe it sets up a taking. We believe it sets up a scenario where it's going to be much more expensive to build in Norman, which is not something we need at this time. Respectfully we wish that you would send this back.

2. Jane Ingels, 2310 Ravenwood Lane – Currently I am serving as the Chair of the Greenbelt Commission. There are a number of things that Mr. Rieger mentioned that the plan addresses, which indicates that he is not reading all of the plan. I hope you got, with your packet, the memo that I put together that said concerns most frequently expressed and then it gave a response to all of those concerns that are in the Greenways Master Plan. One of them was will property owners be required to allow trails shown on the maps in the appendices to be constructed on their land? Appendix B, page 6, it says these maps simply suggest areas of trail development, the locations will need to be further analyzed to take into account private land ownership as well as to identify easements and right-of-ways. This action plan is an additional guide or tool to assist in the development of trails throughout Norman on a case-by-case basis as it is not feasible to determine the exact placement of trails without evaluation of all factors involved, that is land owners, property lines, topography and cost. In the summary of the plan, on pages 6 and 7, it says, "To reiterate, the trails noted are not intended to show precise alignments or locations of trail improvements." And then on page 7, it says "The city does not automatically have access to private properties to create trails and open spaces; access will depend on the cooperation of the individual property owners." On page 7, "The location of these trails will be determined through consultation with adjacent land owners as the area develops. Establishing trails in harmony with existing homes and land owners will be an important goal of the Greenbelt Commission." Page 29 – "A real concern of the city and the Greenbelt Commission is the location of greenways in settings where houses have backyards that extend to the creek edge or back up to the corridor. In these sensitive areas, the design and alignment of the trail must respect the privacy of land owners. ... If mutual solutions that respect privacy needs cannot be found then alternative trail locations must be considered." A second concern that was frequently expressed was is there a possibility that land will be taken from landowners? On pages 31 through 36, which addresses greenway corridor acquisition and/or preservation strategies, the master plan does not suggest that property for open space, greenways or trails should be acquired by taking or by the condemnation process. The following are some possible mechanisms for the preservation of greenway corridors: purchase of land by the city; donation of land by the property owner; donation as a part of the development process; through City Council action, move for permanent preservation of critical open space assets that are already owned by the city; acquisition through purchase by other entities, for example local, state and national land trusts; acquisition through purchase by Cleveland County; creation of city incentives to preserve open space; acquisition of conservation easements; acquisition of development rights. The third concern that has been mentioned is for the capability of the city to finance the acquisition of land and the construction of proposed trails. In Appendix A, which you're not adopting, but gives you this information, there are templates for evaluation of a proposed project in regard to costs of construction as well as suitability of the location. And possible funding sources are listed. Another concern was for the

capability of the city staff to properly maintain a greenway, especially one having a trail. In the master plan, pages 37 to 41, there is a discussion of the importance of well-maintained trails and greenway corridors. Also included are tables to estimate maintenance costs that describe types of trails, maintenance items to be considered and estimated maintenance schedules, as well as possible replacement requirements. Appendix B, page 2, action item 4, it says "Identify possible funding mechanisms, to include both the cost of construction and all required maintenance." Some possible funding sources, listed on pages 35 and 36, included a monthly fee of \$1; capital improvement program or bond funds with an annual set-aside; partially or entirely built by the private development community; federal enhancement funds or grants; future partnership with Cleveland County park and greenway development funds; Congestion Mitigation and Air Quality grants; foundation and company grants; grants for greenways; partnerships with volunteer groups, also with utility companies for easements. Then also mentioned concerns were the use of pesticides on trails in the Lake Thunderbird watershed. And the response is that the master plan does not address this issue. However, trail users should understand that mosquitoes, ticks and wildlife in general may be encountered on a trail, especially in the rural areas, and preparation for those eventualities is their responsibility. Another one was use of water to keep a greenway green. I felt that this concern may indicate a misunderstanding of the term greenway. The term greenway does not indicate that every greenway will be kept like a manicured lawn with the use of fertilizer or water. Problem of trails across private land where livestock roam. As indicated in the master plan references given under this first concern, the precise trail alignments will be determined through consultation with the landowner and therefore the problem of trail users interacting with livestock should be mitigated. I had hoped you would have had this so you could look at it while you were reading your documents. I'm sorry you didn't. The other thing that I would like to say is that, although I'm serving as Chair of the Greenbelt Commission, I am not representing it, but I am speaking on my behalf alone. Beginning in 2007 and 2008, during the involvement of Halff Associates, Inc. in creating a greenway master plan the development community has played an active role. In November of 2009, City Council requested the Greenbelt Commission to make some revisions to the Halff Associates master plan in order to address various concerns expressed by the public. The Greenbelt Commission, along with the staff, has spent many months reviewing and revising the plan, and I feel that it has fulfilled the Council's request. Throughout its life a developer has served on the Greenbelt Commission. That person has been in close contact with the development community. In recent months the master plan has been on the monthly agenda for the Greenbelt Commission. It is surprising to me that during that time no one representing the Norman Developers Council expressed any concerns about the plan to the Greenbelt Commission. At a meeting on February 20, 2012 in the City Council Chambers to discuss the master plan, and advertised on Channel 20, on KGOU and on the City website, which also showed the proposed plan, and I think also in the Norman Transcript, members of the public spoke, but no developer expressed any concerns. At this time, for the Norman Developers Council to be requesting a meeting or wanting the plan to be reverted out of this line of the process it seems to me is inordinately late in the process, thereby causing a delay in the process which should not be necessary.

3. Mr. McCarty – If this plan is adopted, how do you see this plan moving forward in our city?

4. Ms. Ingels – As I understand, our use of the plan is that the Greenbelt Commission, which has been asked also to make recommendations to the City Council for what it thinks might be changes in the regulations or perhaps ordinances that it could recommend to the City Council some of those things that they thought would be helpful in carrying out a implementation of a particular type of greenway or trail. Susan, is my understanding right?

5. Ms. Connors – It certainly won't be a regulatory document for them to use in their deliberations of development projects until further action is taken to create regulation or rules that they would follow.

6. Mr. McCarty – I guess what I'm concerned about is undue hardship or forced mandates on somebody that is a landowner that buys a piece of land and builds a house on their 40 acres and there's a trail going through the creek. Are they going to be forced to put that trail in? Is the Greenbelt Commission going to recommend that that trail is put in on that certificate of survey?

7. Ms. Connors – You have to understand that right now there are no defined trails in the City of Norman. There are none that have been defined. And so, until further regulatory action is taken by City Council, the Greenbelt Commission cannot prescribe that a trail be put on property.

8. Harold Heiple, 218 E. Eufaula – I represent the Norman Developers Council. And before I forget it, since I don't have it in my prepared remarks, remind me at the end of this if I fail to respond to Mrs. Ingels' comment about the apparent lack of participation by Norman developers in this thing. The Norman Planning Commission has a track record of, in instances like this, for engaging in constructive dialog over a sufficient period of time with all interested parties to give everybody the opportunity to debate specific points. The recent commercial lighting ordinance is an example of what I'm talking about, because you spent several study sessions and brought all kinds of interested parties before you and heard things and so the ordinance you ultimately sent forward for approval had many changes from the draft that was first presented to you, and that was the benefit of these study sessions. Tonight, the Greenbelt Commission is trying to get you to rush a document to the City Council for adoption. It's a document that is, at best, ambiguous and, at worst, it is confiscatory and contrary to law. You're being asked to recommend a comprehensive document that has broad regulatory ramifications. Now Susan believes that there is nothing mandatory in this master plan that you're being asked to send forward to the Council. And, respectfully, we have a different interpretation, as I think you can glean from the specific points that Sean Rieger put on the board. On balance, what I'm asking you to do, and what the developers are asking you to do, is to have a study session and work through the language of specific sections, because we're very confident that this can be tweaked so that it more explicitly spells out what Susan believes it already says. It just takes language that's more specific than what's in there now. And you've seen the length of it. I don't know if any of you have gone through this entire document or the entire appendices. Obviously, Mr. Rieger has. And the document that you're being asked to go forward is incomplete – and I say it's incomplete because, as was stated, the appendices are not supposedly going forward with it, yet I'm told that these appendices will be sent along and be a part of – or on the shelf somewhere. Well, appendices are the guts of regulations. And if I showed up here with a PUD or a mixed use plan and it had several appendices to it and I asked you to approve my plan but disregard my appendices or not vote on my appendices, I don't think I've got a prayer of having you recommend approval to the City Council. As a matter of fact, I don't think the staff would let me get on the agenda if I was holding my appendices. The appendices need attention, just like the document itself does. Because, as you can see, size-wise, the appendices are considerably larger than the document itself. Now one thing that really caught my attention in this resolution, which is on page 10-2, is that the City Council "... accepted the key guiding principles identified in the Greenway Master Plan (page A-3) ...". Well, they're not talking about the Greenway Master Plan that the Greenbelt Commission has sent up here tonight; they're talking about the one that came forward in 2009 from Halff Associates, and it is this document. And this document, which has the same title on its cover that the one that's brought before you tonight – Greenway Master Plan – this document is not the same as this document. There really hasn't been public discussion about the document that's before you tonight to afford interested parties an opportunity to debate and suggest

alternative language that would allow us to reach a consensus and go forward all of us supporting the concept of trails and greenways. Developers do not oppose trails and greenways. What they oppose is something that is mandatory. We already have mandatory with respect to the sidewalks that are required to be installed by the developers along the street. That's fine. We're living with that. We're not complaining about that. But we read a lot of this language in here as saying, at least implicitly, if not explicitly, that land will be taken, that developers or homeowners associations will be responsible for both acquisition and maintenance. This is not an acceptable situation, but we don't want it to get to the point – that's why I'm asking for this study session – for you to help us go through this language and see if we can't find some alternatives that will reach a common goal. That's the only thing that really makes any sense. The greenbelt statements, for example, on one of the comments that – quote – "the great need to preserve open space for stormwater drainage as well as potential locations and opportunities for trail systems." That's one of the statements on page 10-1. That does not adequately take into account the citizens – the large number of citizens who do not want trails to be alongside creeks or drainage channels that run through residential subdivisions. You've got to distinguish between a trail going through a subdivision, which can be behind a backyard or along a creek or between two houses, as opposed to a sidewalk that is against a publicly dedicated street. They're apples and oranges, but under the just simple definition of trails in this document, they're identical and we want to be sure that we distinguish that there's nothing mandatory about trails through subdivisions. We haven't been able to get that language yet. Line 9 on this page talks about "... locating trails in areas only after due consideration to current and future land owners on a case-by-case basis has occurred." That's a quote. That sentiment squarely conflicts with the language in the maps of the proposed master plan which dictates where trails should be located without specifically first providing for meeting with the land owners on a case-by-case basis and locating the trail only if the land owner approves it. Line 10 talks about the "... movement of citizens in a safe and efficient manner within the city network of streets ..." – that point is already covered by the long-standing mandatory requirement for sidewalks along the streets. Line 13 talks about "... determining how and where to link trails and open spaces to neighborhoods, schools, parks and businesses." Any master plan which mandates how and where trails and open spaces running through subdivisions will be linked to developed areas without providing compensation for taking such trails has no place in Norman, Oklahoma. At the bottom of page 10 are these statements: "... the appendices ... highlight support and input from the public and provide detailed information ... to be used in identifying a citywide network of corridors and trails." It goes on to say "The public input helped reassure the strong community support by the citizens of greenways scattered around the city." Well, I attended most of those public meetings in 2007 and 2008 and the majority of homeowners that I heard speak certainly opposed having public trails running along their back yards or along the creeks that were behind their properties. Finally, on page 10, "... the Greenbelt Commissioners agreed to forward the ... Master Plan ... to the Planning ... for consideration and approval." On February 20. And as I say, this document contains language that was not included in the document that was presented by the Associate in 2009. With that in mind, look at the resolution because, as I said, the resolution incorporates that 2009 Plan. Now, whether or not the City Council adopted it, or didn't adopt it at that time, I guarantee you it's on the shelf and it's being referred to in this resolution that has been prepared by the Greenbelt Commission. Appendices. The GBC has not engaged in constructive dialog with the parties who are concerned about many of the provisions in this 2012 composition by the Greenbelt Commission. It's another example of effort of members of the Greenbelt Commission to rush their desired result to the City Council without adequate and appropriate constructive dialog from all interested parties. For you, the Norman Planning Commission, to acquiesce in this rush by the Greenbelt Commission is not in the best interests of the City. So, please, let's schedule a study session. Let's go through the sections that bother us and talk it out and I promise you we're not trying to block trails. We're not trying to block greenways. We're trying to block somebody three years from now – a staff member picking up and saying what this language means, Mr. Developer, is you have to put that trail along that creek. You have to donate that. You have to maintain it. You have to

improve it. And we're off to the courthouse. We need language in there that specifically says otherwise. And now, to go back to what I said at the beginning, and that is this business about the participation by the Norman Developers Council. Mr. Rieger and I have been closely associated with the Greenbelt Commission for almost six years, I guess – five – whatever length of time it's been going. It's been an extraordinarily difficult group with which to get any constructive dialog. The only time we had one constructive meeting, which was moderated by Susan early in her career here, and at the end of that meeting – it was the meeting with the Greenbelt Commission and I walked out telling people – and I sent an email to the developers I see light at the end of the tunnel, because there was a consensus about changes that would be made in the greenbelt ordinance. And, lo and behold, after the City Attorney put those changes in and brought them back to their subcommittee, uhn-uh. Somehow they got changed and they never came forward. Well, to address this particular thing about the meetings – the public meetings that they've had recently, I sent an email to the City Council last week and I sent a copy of senior city staff members and I said that I believe that there may have been a misperception on the part of staff members and/or Greenbelt Commission members that the vote of Richard McKown, who is a member of the Greenbelt Commission, and who is also a member of the Norman Developers Council – the fact that he voted to forward this to you tonight and then on to the City Council should not be interpreted as an endorsement by the Norman Developers Council. And, as I told the Council, when this came up – when it finally came up and we got wind of it – and, frankly, it was due to the fact that Sean picked it up and really started reading the whole thing and said can you believe this and started circulating it – that very quickly the very strong opinion came from the developers that we can't live with this. We will not voluntarily live with this. We will not peacefully live with this as it is written. Now, please, do us all a favor. Do the Greenbelt Commission – do the people who are absolutely advocating greenways and trails – do yourselves – do the City Council a real favor and let's have a study session with this group and see if we – I promise you we'll work very hard to get language that will be acceptable to everybody and let this thing go forward. Because if you don't do that – if it goes forward, whether you recommend approval or not – if it arrives at the City Council in the shape it's in now, then the fight is on. And so what do we have there? It's a fight that – not just a matter of a big political fight. There's enough money and enough precedent involved that the courts are out there, too – very realistically. You know, I don't rattle the courthouse door for fun. But, friends, we can avoid that. We can accomplish something that's worthwhile and get something productive and fruitful out of the five or six years that's gone into this, as opposed to people taking a hard stance and unyielding stance on the language of what's before you. So, with that, we would very respectfully request that you schedule a study session to look at the language. Thank you.

9. Lyntha Wesner, 616 Tulsa Street – I'm excited to hear what Harold is saying, that the development community is very interested in trails. There have been – let me just quickly – a lot of you will remember this. We have survey after survey. We have had a Greenbelt Task Force that worked for years. We finally had an ordinance that set up the Commission. And this is a quality of life issue. This is the kind of thing that people who are going to live in Norman from here on, and the ones that want to come back, and corporations that want to come want this kind of thing available for their citizens. I think in the future – this is just my opinion, but there will not be a lot of people in Norman – and I run into them all the time – who have never traveled anywhere else except in Oklahoma or have been in Norman their whole lives and they do not know what is available out there and what is happening in other communities. So I'm glad that the development community does recognize that, and I believe Harold when he says that they do want to make this so that it works. Let me give you a couple of examples. This is a plan that's a guide. It does not happen unless there is money. And one of the things that was envisioned during the Stormwater Master Plan and this plan development was that there would have to be a vote of the people if they want to implement this and if they want to maintain trails. If they want to help pay for developers to widen the streets along arterials, we'll have to pay for it – the citizens will have to pay for it. But let me mention something that Trey Bates shared with us when

he was on the Greenbelt Commission. He moved back to Norman after living in a community in Dallas – or a suburb where there were trails and where it was exciting. And he made the comment that, when he started developing along Hall Park, the important thing to him was that there were already trails and there was already green space and it was already handled that way in Hall Park, so that all he had to do was to add onto that and to hook onto it. You've got to have a guide. If you don't have a guide, nothing happens. Another interesting thing that's happening because of the discussion that has gone on is there are many people in town who ride bikes right now along Highway 9 out to Thunderbird. There are people who want to be able to bring in competitive bike riding, running – 26 miles is what I think you have to have. The thinking is there needs to be a big trail – a circular trail, probably out east, and what's happened is there is ODOT funds that are being used and will be used right now along Highway 9. They're going to use ODOT funds to do the proper engineering along the north side of Highway 9 so that there can be biking and running along that toward Thunderbird. I think that it only goes – I've heard two things. I've heard that it only goes as far as 48th. It may go as far as 60th. But that's one of the things that, in surveys that have been given through the years and started back in the 90s, citizens in Norman have said that they want. And I think that the development community has heard that and knows that that is the case. So I wanted you to know that those two things. If you don't have a plan that's down there and some kind of guide, you aren't going to have anything and you're not going to have trails that make any sense and alternative ways to get places in Norman and around this community unless you do have a plan. So the funding will have to come. There will have to be decisions about what you want to pay for and the citizens may say no at that point. And this guidance that you've got then may not happen. That's just what I wanted to point out.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – I've heard about how long this Commission has been going on studying this and working on this. It just seems odd to me, especially with Richard McKown being one of the developers on this – I don't want to say you guys, as attorneys, are just trying to make a living off of this, but if the builders and developers have been participating in this, why is this coming up now? That is the question I have.

2. Ms. Pailles – Harold and I served on the Task Force years ago – 10 years ago – something like that – 10 – 12. So, again, the argument this is being pushed down your throat – well, maybe it has if you honestly are unaware of it. I've known a lot about this for a long time, and I know a lot of you guys have, too. It's not new. It has certainly been on the website for 10 years. But, anyway, Harold, I remember you being relatively effective on the task force. So the question does come up. Secondly, the task force, the Greenbelt Commission has bent over backwards endlessly to try to avoid threatening everybody with the specter of a taking or the specter of taking private property or impacting private property even. I mean, they've bent over backwards to not act as though that was going to happen – to not use that as a policy – to not suggest that in any way. And if you look at the maps, about half of the trails are along paved highways. There's nothing too frightening about this I would not think. In terms of the creeks, they suggest that, insofar as it would be possible in new developments, that houses not back up onto the creek, but rather face a road and the road be in between the houses and the creek, which would mean you had public property adjacent to the greenbelt trail, not back yards. That would be insofar as possible in some future development. They have never ever suggested assessing private property if the private property owner didn't want a trail there. And, of course, if you've been in Norman a long time you have a long memory. We moved here shortly after the sidewalk ordinance was passed that had been fought by developers. Then the Park Board ordinance was passed, that was fought by developers. And the hotel/motel room tax was passed, that was fought, not so much by developers, but by the Chamber. And you think when are they going to get behind the things that make Norman a really good community? Those are the things that make Norman an award-winning community. Park/population ratios; festivals; things like that. So this is another thing that will contribute to the quality of life. It would be nice

to hear the developers saying, come on, let's really get with this. They've been there through the whole process. This is not a surprise. Should a study session be required, warranted, desired, whatever? It would need to include both us, the developers, and members of the Greenbelt Commission, because they need to be there to explain what their rationale was. Last thing is I would just like, from the staff, the difference between a policy and an ordinance. This is not an ordinance, so there's nothing compulsory about it. There's not even any language that says must or shall. So, as a policy, it's a much more general statement, and I'd like staff to quantify exactly what a policy is and how it is not an ordinance.

3. Ms. Connors – Well, with the marvels of technology and you can look up definitions just sitting here on your iPhone. I've been looking up several definitions. A policy is a plan or course of action intended to influence future decisions, actions, or other matters. It's described as a principal to guide decisions and achieve rational outcomes. Policies can assist in both subjective and objective decision making. There's one other one I wanted to look at here. Not normally used to denote what is actually done – this is normally referred to as either procedure or protocol and policies are generally adopted by senior executive officers to assist in both subjective and objection decision. Those are a few definitions. And as I say the word policy, it is a helpful document and information gathered that can lead to better informed decisions in the future. I know Mr. Rieger showed you some language, but those really were out of context of the whole document and what it is intended to show. So this document really is supposed to be the guide to lead us forward if the City chooses to look at the development of greenways and trail systems in the future.

4. Ms. Pailes – So to make it active would require an ordinance of some kind in the future.

5. Ms. Connors – That is correct. As the Planning Director, I would certainly be remiss in allowing myself or my staff to use this as a document that requires developers to do anything at this point. It is not a regulatory action. It does not allow us to require anything of developers at this point in time.

6. Mr. Boeck – One of the things that I'm thinking about as I'm hearing all this – we talk about, on one side, Norman being a quality community, which needs to have parks. It needs to have a lot of access to different things that people want to do when they move here. I was talking to Curtis earlier and I'm not making him sound like he's on my side, if there's a side – but he's been at a couple of soccer tournaments with his kids in a couple of communities, like Austin and like Winfield, Kansas where they've got great parks. How do they do that? Well, it costs money to do that kind of thing and what it takes is the commitment of people in the community to do those kind of things, including the developers. And I hear that we're forcing people to do something that they don't want to do by passing this thing, because I wasn't on the Greenbelt Commission. In my mind what we're trying to do is we're trying to make Norman a place that people want to come – because it's better than Moore, it's better than Edmond, or it's better – businesses that pay high-dollar jobs want to come here because we've got so much to offer. I've heard Harold talk at two of the meetings – and I've only been at four meetings – about how we slow things down as a Commission by putting things off, and yet tonight he's asking us to do a hearing or a discussion. And I'm all for it. The only thing I don't want to do is have him come back in a couple of months and say, well, you guys don't need to have as much regulatory clout behind you because you slow us down on everything we do. And I don't want to sound negative, but I think it's odd that all of a sudden we're asking for this kind of thing, and I still don't understand why, for as many years as this has been going on, why this is all of a sudden becoming an issue right now. I mean, I want this to pass. I want this to move on. And I know that the City Council has to approve this, but I want the dialog to also occur so that we have the best thing that's supported. I look at what Richard McKown has done with his subdivisions and trying to plan some really good water detention and bio-swales to support water runoff where we don't have to use big storm sewers. That costs a little bit more money, but people like

living in those neighborhoods. I think of places like Milwaukee, where they took creek beds and river beds and created soccer fields and bicycle paths and things like that along them. Maybe part of it is the development thing. I guess if we allow people's back yards to go to the middle of the creek, maybe that's not the best policy for zoning and setting up land use. Maybe we should be creating environments where those creeks are not in their back yards. And we can do that with new development. We can't do that with old development. So I don't know how to vote on this, but I'm really frustrated that it's come down to this, because I just feel like there's been so much effort put into this.

7. Mr. McCarty – I was fortunate enough to be on the Stormwater Master Plan and then also we did look at the greenways and the trails. And this has been a hot topic the whole time. This isn't something that has just come up. I just found out that this was going to be on the agenda last week, and I didn't have an opportunity really to read through the book until the last couple of days to see what was being proposed. I guess where I'm kind of stuck on this is a lot of the same questions that I've asked over the past several years since the plan was developed is how we're going to maintain it? Who is going to secure it? Who is going to pay for it? Can you even put sidewalks and trails in floodplains? Who is going to get permits from FEMA? And all the things that go along with a trail system. I think everybody thinks this would be a great idea. I just did get back from Overland Park, Kansas. It's unbelievable what the city has done with their city parks there. I didn't see any trails, but you want to talk about something that brings people. There were 400 soccer teams from all over the country that were at this one soccer complex. Think about the revenue that brought to that town over a weekend. How do we get there? How do we make Norman a place where people want to come? If we really want to get down to trails and making the parks and things really special, why don't we put a bond election together and take it to the people and let's raise \$10 million and let's make this city a place that has trails? Let's just do it. I'm tired of talking about it and putting it off. I don't know how this plan would ever get done. But we kick around these things and we put together policies and adoptions and things and they sit on the shelf and there's no action – there's no money to ever fund them. So where I'm kind of stuck on this is – and our parks – they're really poorly maintained because there's not enough money to maintain them. And that's just my personal opinion. I don't know where the money comes from, but when I drive by a park and it's this high in weeds, I don't want my kids playing out there. They're not groomed. They're not maintained. They're very minimal. We have them all over the city. There's not enough maintenance, not enough crews, not enough equipment in our city to really make those parks a place that look great. The neighborhood parks are usually pretty well-maintained, as long as the HOA is not broke. And that's another issue. A lot of the work goes on homeowners associations to maintain these areas. And I don't know where you all live or about your homeowners associations, but most of them aren't very well funded. The dues that are collected yearly are just enough to make it – to get by. They can't take care of their ponds. I heard a developer recently discuss a pond needed to be dredged. Well, the homeowners association can't do it. They don't have what it takes to do that. I feel like we're putting more burden for trails onto homeowners associations – onto someone else. If we want to make a trail system in Norman, let's come up with a 30-mile track that goes from west Norman to east Norman – Highway 9 – wherever – and let's raise the money through a bond election. Let's build a trail. Let's fix our parks and make this a great place for industry to bring their families. That's how I think this ought to be handled – not by a policy that goes on a shelf that we hope we get money for someday. I just don't like doing these things because there's no action afterward and the Greenbelt Commission is already – sounds like they're using this document. They've been asking some of the developers to do some of the things that are in this document. Right or wrong? I don't know. But it's frustrating and I have been on my soap box about Austin and Overland Park for about a month since I visited those two places. Obviously, the citizens there want it. They passed major bond elections to go straight to their parks. That's what I think we need to do, not take on a greenway master plan that sits around and we can't do anything about it. That's my two cents.

8. Mr. Knotts – So when you don't plan, you don't have a plan to get anyplace. So the idea, I think, of this plan is to give you a basis that, if at some point there's an opportunity, economics sorted out to do a bond election or somehow make some money available for this, you've got a plan to go, rather than suddenly having to think about – well, what did they do back in '12? I think the failure to plan is a real problem and I think this is a planning function and it puts us in a position, by coming through with the will of the people, and voting on whether or not to have a bond election or some financing method, we have a plan to operate from. So I can support this.

9. Mr. McCarty – I completely agree that a plan is important. But I also heard that this is not going to be a document that's going to be used until there's ordinance changes or City Council changes or some other things will allow this plan to be used. So a plan to me would be to put together a whole package – these trails are just hypothetical trails. I think they're mostly along creeks and such. They're mostly along sidewalks and there's some along current sidewalks through main areas of town, but as you go out they're along creek beds. But a plan would be let's go design a 30-mile track through Norman that is rideable, walkable, runnable. Let's bring that forward. Let's bring together a budget of what it's going to cost to do it and let's take it to the people and vote on it. That's my plan. Not just having trails that are scattered through wherever and this is what they could look like. That's not a plan. There's no way to get there.

10. Mr. Knotts – I understand what you're saying. But this is the basis for what you're talking about I think. Now I'm disappointed that nothing comes directly through Southeast 72nd and Highway 9, but maybe someday we'll have some runners coming through.

11. Mr. Gasaway – I'm going to speak because I'm confused. I think the question is is it a plan? If it is a plan that we look at as a guide, not necessarily as a law, it's a good plan. I think the question that has been brought up tonight is is it a policy? If it's a policy, what is a policy? Or is it a law with the effect of an ordinance? I don't know. I mean, we're getting conflicting answers, and I think until we get that answer – I mean, if it's a plan that we just look at and hope to follow and eventually take parts of and make them an ordinance, it's a good plan. If it goes beyond that at this point, you know I think we need to address the issue of how far it goes beyond that. And I think there are some questions about that. In my mind, there are three things to do. One is we can pass it tonight, pass it on to Council, and all we're doing is passing on all these same comments that we've heard tonight to City Council. I mean, it will be the exact same conversation at Council. We can hold a study session, which puts us in the kind of awkward spot of re-writing another commission's document. If we do that, I hope that we will include that commission along with it and get an answer to is it a plan, a policy, or a law. Or, third, we can send it back to the Greenbelt Commission and ask them to work with the development community. I don't know which one of those is the right one. I'm kind of baffled by the whole thing.

12. Ms. Hartley – I know that the Greenbelt Commission voted on February 20 to send this to the Planning Commission and we got these two documents on Friday. And I've read this one. I have not read this one. I can't vote for something that I haven't read and that I don't fully understand. We all live busy lives and have real jobs and I just have not had a chance to read the appendices at the level that it probably needs to be read. So, with Jim, I really think that I can't vote yes for it, but I'm not sure what the next step should be.

Jim Gasaway moved that the Planning Commission hold a study session to look at the Greenways Master Plan, with the specific question of what is the effect of this document? Dave Boeck seconded the motion.

13. Mr. Boeck – I've got some discussion. I just want to be there, because I want to hold these guys to the fire. They complain about what hasn't been done and how they haven't

participated, or the group that they represent. So I want to be there and hear that conversation so that we have something that everybody can stand behind.

14. Chairman Sherrer – I think funding and having an understanding of maintenance and also how this is actually going to occur – I totally agree with Commissioner McCarty. I think having a trail system is absolutely essential. I think we want to have in this community going forward – it's a matter of how you pay for it that's the question to me most importantly, and I think we need to consider that as well. I would certainly be in favor of Commissioner Gasaway's motion as well.

15. Mr. Knotts – I can tell you that a study session is not going to solve that situation. I mean, it's not going to – I don't think the developers are going to come forward with money and I don't think the City staff is going to come forward with a bond election. I think we have a document that is a document of guidance. I think the number of policy definitions that we've heard this evening basically defines it for me. And so I think it's a policy – it's a guideline. That's always good to have before you get any kind of money. And it's the only way you're going to get money to make something happen.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Diana Hartley, Curtis McCarty, Andy Sherrer
NAYES	Tom Knotts, Roberta Pailles
ABSENT	Cynthia Gordon, Chris Lewis

Ms. Tromble announced that the motion to hold a study session on Resolution No. R-1112-119 passed by a vote of 5-2.

Ms. Connors will communicate with the Commission members by email to determine a date for the Study Session. She will look for a date on a Thursday evening.

Ms. Hartley asked if the Halff Associates document is available online. Ms. Connors indicated that it is online and copies of a CD can also be obtained.

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Item No. 11, being:

MISCELLANEOUS DISCUSSION

Chairman Sherrer welcomed Terry Floyd, the new Development Coordinator for the City.

Chairman Sherrer recognized Doug Koscinski for his 30+ years of work as part of the staff.

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Item No. 12, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 10:27 p.m.



Norman Planning Commission